XEROX

Xerox University Microfilms
Ann Arbor, Michigan 48106

WESTERN AMERICANA

Reproduced from the original in the collection of
THE UNIVERSITY OF ILLINOIS LIBRARIES

Jos. S. Jenckes'

THE

HISTORY OF TEXAS;

OR,

THE EMIGRANT'S, FARMER'S,

AND

POLITICIAN'S GUIDE

TO THE

CHARACTER, CLIMATE, SOIL AND PRODUCTIONS OF
THAT COUNTRY:

GEOGRAPHICALLY ARRANGED

FROM

PERSONAL OBSERVATION AND EXPERIENCE.

BY DAVID B. EDWARD.

FORMERLY PRINCIPAL OF THE ACADEMY, ALEXANDRIA, LA.; LATE
PRECEPTOR OF GONZALES SEMINARY, TEXAS.

CINCINNATI:
STEREOTYPED AND PUBLISHED BY J. A. JAMES & CO.

1836.

Entered according to act of Congress, in the year 1836,
BY J. A. JAMES AND CO.,
In the Clerk's Office for the District Court of Ohio.

Printed by James & Gazlay,
No. 1, Baker Street,
Cincinnati, O.

22. S'22 – E.L.

Ill. Hist. Survey 13 My 22 Murray .90

976.4
Ed9h

TO THE

AUTHOR'S BEST FRIEND,

PETER BOLLINGER, ESQ.,

ROCKINGHAM COUNTY, VIRGINIA.

Worthy and Respected Sir:

Permit me to offer this little volume to thee. In the midst of afflictions, in the bonds of despair, thy benevolence to me and mine, hath consoled me; and thy last words, "*God bless thee,*" have been as the balm of Gilead to my lacerated heart. When that heart shall cease to beat, and when time to me shall be no more — then, and not till then, can the gratitude of my soul be extinguished!

May the blessing of the Lord rest upon thy head — may the mercies of our Redeemer surround thee and thine, and may the influence of the Holy Spirit guide and direct thy every step throughout this transitory vale of mortality — up to the mountains of everlasting glory, where eternal praises shall resound, and unutterable love be the theme!! — is the sincere desire and fervent prayer of

Thy affectionate, altho' unfortunate friend,

D. B. EDWARD.

497036

CONTENTS.

BOOK I.—GEOGRAPHICAL DELINEATIONS. Page.

Political Jurisdictions, 13
Colonial Grants, 14
Bays and Inlets, 17
Principal Rivers, 20
Secondary Rivers, 26
Towns, 28
Face of the Country, 35

BOOK II.—GENERAL OBSERVATIONS.

Vegetable Beauty and Fertility, 41
Native Plants, 42
Minerals, 44
Articles of Cultivation, 45
Stock Raising, 48
Manufacturing Advantages, 51
Commercial Facilities, 52
Resources and Prospects, 53

BOOK III.—WATER OF TEXAS.

Water Courses—Fountains, 55
Sinking of Streams, 56
Overflows, 57
The Dry Season—Lakes, &c. 59
Fish, &c. 60
Water Fowl, 61

BOOK IV.—TIMBER LANDS.

Prairie, 63
Woodland, 64
Trees and Shrubs, 66
Building Materials, 70
Fruits, &c. 71
Wild Animals, 74

BOOK V.—CLIMATE.

Causes of Disease, 77
Indolence, 78
Intemperance, 80
Salubrity, 81
Changes of Climate, 82
Upper and Lower Texas, 86
Insects and Reptiles, 88
Moss or Spanish Beard, 89

BOOK VI.—SAVAGES.

Marauders, 91
Civilized Tribes—Policy of Whites, 94
Warriors, 98

Page.
White Instigators, - - - - - - 100
A Rencounter, - - - - - - - - 101
Subdued Tribes, - - - - - - - 104
Unsubdued Tribes, - - - - - - 106
Choctaw Tradition, - - - - - - 110

BOOK VII.—The Mexicans.

National Character, - - - - - - - - 115
Confederation—Population, - - - - - 116
Power, - - - - - - - - - - - 117
Worship, - - - - - - - - - - 119
Instruction—Negroes—Mixed Races, - - - 120
Whites, - - - - - - - - - - 121
Politics, - - - - - - - - - - 123
Finances, - - - - - - - - - - 129
Public Lands—Agriculture, - - - - - 131
Commerce—Mines, - - - - - - - 133
Manufactures, - - - - - - - - - 134
Laws—Army, - - - - - - - - - 136
Church, - - - - - - - - - - 137
States and Tribes, - - - - - - - 139
Health—Encouragement to Foreigners, - - 140
Colonization Laws, - - - - - - - 142
Laws of Coahuila and Texas, - - - - - 160

BOOK VIII.—People of Texas.

Early Settlers, - - - - - - - - 177
Character of Emigrants, - - - - - - 178
Innovators, - - - - - - - - - 179
Political Events, - - - - - - - - 183
Secessional Constitution, - - - - - - 196
Petitions, - - - - - - - - - - 206
Austin's Correspondence, - - - - - - 210
Party Addresses, - - - - - - - - 220
Legislative Proceedings, - - - - - - 231
Official Communications, - - - - - - 238
War Faction, - - - - - - - - - 247
Late Occurrences, - - - - - - - - 254
Probable Result, - - - - - - - - 269

BOOK IX.—Concluding Reflections.

Emigration, - - - - - - - - - 271
Inducements to Emigrants, - - - - - 278
Land Impositions, - - - - - - - - 285
National Religion, - - - - - - - - 293
Abuse of Religion, - - - - - - - - 295
Conclusion, - - - - - - - - - - 313

Appendix, - - - - - - - - - - 317
Constitution of the Mexican United States, - 322

PREFACE.

Worthy Reader,

Holding the axiom to be self-evident — that a man's dignity arises in proportion to his usefulness; as all nature cries aloud, "*that its Author never intended there should be* SUCH *an anomaly as an independent being;* far less man, reasoning man, who, although still left after his fall, the lord of the creation, ought in all justice to suffer to the utmost extent of that curse, which was annexed to his disobedience: as a proof whereof he is — as it were to correct the passions and to humble the pride of his wayward and stubborn heart — not only ushered into this world the most helpless and feeble creature upon earth, but afterward continues longer than any other animal, to stand in need of assistance from his own species, before he is in any measure calculated to prove his superiority over the instinctive brute: — surely, then, as all in their turn must be receivers, so should all according to their power be dispensers of those gifts, whether physical or mental, which they may possess.

Viewing it thus, I have taken it upon me to publish a few remarks, throwing myself with confidence on the generosity of the practically experienced, who, by the independency of their minds have so far matured reason as to distinguish at *once* between the spurious merits of the presumptuous, and the genuine worth of the diffident. Still, however, it is with no inconsiderable degree of fear that I take upon me to perform the task of an author, which, in justice to the feelings of a judicious reader, demands the utmost abilities of those who are enriched by the superior endowments of nature — and on which endowments there have been built the ennobling sciences of the schools. Such benefits, when united with the experimental knowledge of mankind, so essentially necessary to produce the finished mind, must, when rightly directed, not only prove a blessing to the individuals themselves, but to countless thousands of their fellow mortals.

By nature on the side of mediocrity, and by science in the rear, it has therefore been by the jostle of mankind, throughout thirty years maturing experience in the busy world, that I have been brought to such a measure of thought, as to judge cautiously, charitably, and in some degree philanthropically of the actions of men. Although I have found *Avarice, Passion* and *Prejudice* the governing powers of this world, yet when we consider man in the *abstract*, allowing a sufficiency of indulgence for the force of education, local habits and national customs; combined with those surrounding circumstances over which he can (physically speaking,) have but little or no control, hurrying him through the heat of misguided ambition, so frequently into those scenes and to those actions which his cool and reflecting judgment so much abhors and detests; we shall, in a *moral* point of view, find that there are more, *much more*, of the emotions of virtue than vice in his composition.

I am induced to make these remarks at this time, from the acquaintance I have formed with the people, and with the country of Texas; believing that no country or people, so *nearly* allied with the republicans of the North, have ever been less impartially considered; or when spoken of, more unwarrantably exposed to the extremes of *calumny* and *panegyric*: each in its turn creating no little excitement in the breasts of those who are anxious to know of things *just as they are*, before a movement should be made which might bring disappointment, if not ruin, in its train.

Therefore have I covenanted — let the consequence be what it may — to steer a neutral course, between the extravagant representations of the monopolizing land speculator, and the unwarrantable scurrility of the viciously prejudiced — prejudiced because they found wanting a capital, as in older countries, and because hardships were to be endured, as in every new country, before idleness could be indulged, or luxuries obtained!

And to insure the convincement of my reader — I have *no* lands in Texas to sell, although I have lived *three* years in that country, and that, too, on the frontiers; besides making one of four who explored it, in the year 1830, from side to side, and from settlement to settlement, during the space of six months, without once sleeping within the walls of a house. Nay, farther, being under the necessity of visiting the country in 1835, I had the curiosity to spend six months more, in examining the improvements made throughout every locality of that extensive province; in order that none should be able to detect a falsehood, or prove a material error, which could either mislead, or seriously injure those who may put confidence in this work. May I not confidently trust then, after expending upwards of *one thousand dollars*, in addition to the hardships endured throughout such protracted excursions, that the description given will be believed to flow from a mind that wishes to be governed by the truth, as far as *present* circumstances, or *future* prospects, from a retrospection of the *past*, will reasonably justify?

And as I have taken no interest whatsoever, in the *political* contests of that country, therefore, may my readers rest assured, that I write with a pen untrammeled by the influence of a *party*, having nothing else in view but my own amusement, and the satisfaction of my friends. On that account I have prefaced the information on

Texas, with a few remarks relative to the migratory progress of the *Narrator*, previous to the commencement of his present undertaking; as it is believed that they may have some small tendency towards drawing the inquiring mind into those cool reflections, which are as needful as they are earnestly desired.

I was born on the fertile banks of the river Tay, in Scotland, North Britain; that classic land of science and renown, where *a Wallace fought*, *a Knox preached*, and *a Scott wrote;* a country only equalled in its beauty by its salubrity; adorned by every improvement in modern husbandry, through that persevering spirit which animates an industrious and comparatively, with the rest of Europe, a free and consequently happy people. Lying on the confines of an Eastern world, where, by turns, despotism and anarchy reign; the sympathetic feelings of sorrow will sometimes predominate in their breasts: still as often are their hearts rejoiced within them, to think that they have, by the interposition of Providence, a counterpoise in the western hemisphere; accelerated by that free and uninterrupted intercourse which they have with the highly gifted and enlightened inhabitants thereof, through the influence of that all-powerful and glorious engine in the hands of every republican government — *a free and fearless press!* which not only visits the palaces of the great, but enters with its all-inspiring beams into the meanest hovel of the peasant; arousing him to make the inquiry, Why this mighty difference? I say it! and made it my study how I should become a participator of such a blessed asylum, as God had provided for the poor and oppressed of every other country.

In consequence of matured reflections thereon, I embarked for the new world, and landed in South America; where I beheld a people struggling manfully against the last efforts of expiring tyranny; which they happily overcame, even while they were as yet unpractised in the art of self-government. When such is the result of a despised, and in no little degree derided people, what may be expected from a union of talents and genuine patriotism, wielded by a self-efficient government?

It was with no little sorrow then, that I saw a considerable period of time would have to elapse, before the Colombians could purge out those artful and designing demagogues, who fail not to take the advantage of the troubles of their country, whereby they may, under the mask of patriotism, *(a cloak too often made use of to cover the most diabolical crimes,)* ingratiate themselves into the favor of an unsteady and wavering multitude.

Mourning, therefore, over "man's inhumanity to man," I steered my course to the States of the North; where I saw and admired that equality which reigns without confusion, and where talent, engrafted on virtue — and not wealth united with power — was the *ladder* whereby men could ascend to the highest pinnacle of fame.

But as the Eternal fiat has gone forth, that perfection shall *not* be found in man,— yea not even in a collective capacity,—it was with no small regret notwithstanding, that I found so many political differences abounding. However, considering these differences to constitute the very *acme* of national liberty, when they are curbed by the allpowerful reign of a universally acknowledged Constitution,— which constitution while upheld must continue a copying model to *all* succeeding Republics, as it shows the interesting spectacle of civil power and religious dogmas so happily poised, as to create in the breast of every man a full confidence in the *first*, and a sincere love for the *latter*; — as such I gloried in it! believing with every honest and good patriot, that the superior sense of the people will keep them at all times true to themselves; so much so, as not only to teach themselves, but those who may have the hardihood to declare for the measures of a dividing party, that they shall not only lose their places of profit or honor, (if they ever had any,) but also that respect which a genuine republican must ever hold, in the estimation of those who well and truly calculate, that every individual consideration *must* give way, in order that unity and peace may undivided, walk hand in hand throughout every city, town, and village, of the American Republic.

Because, however an aggrievance may arise, or an addition of privileges would be desirable — a tardy redressing of the first, or even not acceding to the last, can never be a just cause of hurling unlimited defiance at the fair fabric of expedient confederacy; — but contrariwise, proving the utility of every change by demonstrative facts, giving such cogent reasons as shall by the majority be seen into, and of course adopted by reason of their general fitness, and particular expediency.

Having heretofore been somewhat conversant with the farming community, I have found that many, yea very many, who are engaged in that primeval calling, are unable to purchase land at the government price, in consequence thereof are under the disagreeable necessity of putting up with what is generally termed *squatting*, in order to raise their families, which, as a natural consequence, are in number on a par with the hardships to be met with in a country life. As sure then as the march of improvement presses on, so sure will their location be purchased by more wealthy competitors. In that case they must, and will move onward from boundary to boundary, as long as their pockets are light, and their physical powers good.

Although the banker, the merchant, or the tradesman, would think light of a hundred dollars, yet let me tell them, that I have seen and conversed with more than a hundred worthy and respectable farmers on the frontiers, who have raised there some half dozen of sons and as many daughters, and that too to maturity, before they ever had the amount of one hundred dollars at one time in either of their houses.

Would not then the general and individual governments, by having throughout pursued a different policy in their landed interest, been equally safe? For instance, supposing that they had, from the beginning of their sales, sold the land at its comparative value, instead of a fixed price, and allowed the already located poor the privilege of time and payment, — would not the ready money, and the use of that money's interest, with the yearly tax from the land-holder, have overbalanced the profit arising from a stated sum, against the time that sum can be realised? inasmuch as the lands found in quality above par, would (without the shadow of a doubt) make up for the deficiency in value, of that which ever can be sold below it; as much, very much of that which is comparatively poor, must upon present principles remain for centuries unsold!

Besides, such liberal measures could not have failed, at all times, to secure a host of hardy and, by thus doing, satisfied and grateful yeomanry; who are with propriety termed the very *bones* and *sinews* of a nation, as they are its only strength and protection when the enemy assails with physical force, in order to subvert and destroy. Knowing by experience (especially since I first went to view Texas) that the emigration from an old to a new country, is in general of those who possess but little, and of course whose substance is almost, if not altogether expended in the undertaking; a government, therefore, which protects and supplies the industrious husbandman with the means whereby he can acquire a subsistence, ought assuredly to be extolled! But when a nation or state not only does thus, but invites and grants to worthy although poor emigrants, on the most humane and considerate terms, a foundation in land, whereby they will be enabled to build up their households in a respectable and independent manner, they will not only be extolled, but revered! and must ultimately grow into universal esteem and admiration. They cannot fail, in a short time, to have such a bulwark reared up, of sturdy and grateful men, as *no* despot ever had the honor to command; a band of brothers, whose emulation in the dangers of the state will be to outvie one another in acts of heroism and fidelity, to that government and country, wherein they have received such a permanent and lasting interest.

Upon these premises, then, what should be the feelings of the inhabitants of Texas towards the Mexican Republic, whose liberality to them in lands and otherwise, has been without its parallel in modern days? I have every reason to believe and say, that the hearts of the actual — I say *actual* landholders, and genuine farmers, (who are in the duties of that avocation practically engaged,) are filled with love and gratitude towards their benefactors; to such an extent, as not only to give them their best wishes for their individudl welfare and national prosperity, — but, if ever it should be necessary for them to come forward in a more substantial form, it will be done with spirit and with power! Always directed by the motto of their political faith, — *Never ending fidelity to the government of that Constitution under which they became privileged citizens*, —they voluntarily assume the guardianship of Liberty; a term which in itself expresses much greatness and exaltation, and with whose definition the Texasians are pretty well acquainted; although it is a word which covers ambiguities, and under which have been concealed many of the darkest and most malignant deeds, that have ever debased the character of man; — wrested, by political adventurers and political fanatics, to the destruction of thousands; leading them to believe that anarchy was order, and party spirit that of patriotism.

THE

HISTORY OF TEXAS.

BOOK I.

GEOGRAPHICAL DELINEATIONS.

Texas is a northeastern province of the republic of Mexico, lying between the latitudes of 27½ and 34½ and longitude west of Washington 16½ and 25¾.

It is bounded on the north by Red River, which divides it from Arkansas, Ozark District, and New Mexico. On the south by the Gulf of Mexico, and the Rio de las Nueces, which divides it from the states of Coahuila and Tamaulipas. On the east by the eastern branch of the river Sabine, and the state of Louisiana. On the west by the state of Coahuila and the territory of New Mexico. Medium length from north to south, 540 miles. Average breadth from east to west 460 miles. Containing an area of 150,000 square miles.

POLITICAL JURISDICTIONS.

The south and eastern portions of the country, that are by nature (and at present by art,) of the most importance, are *divided into three grand political jurisdictions*, to wit: Nacogdoches, Brazos, and San Antonio de Bexar.

Nacogdoches department is bounded on the north by Red River. On the south by the Gulf of Mexico. On the east by the river Sabine. On the west by the department of Brazos. Length from north to south, 300 miles. Average breadth from east to west, 150 miles.

Brazos department is bounded on the north by the northern boundary of Austin and Williams' colony. On the south by the Gulf of Mexico. On the east by the department of Nacogdoches. On the west by the department of Bexar. Length from north to south, 300 miles. Average breadth from east to west, 125 miles.

Bexar department is bounded on the north by the fountain branch of the Rio Colorado. On the south by the the Gulf of Mexico. On the west by the department of Brazos. On the west by the river Nueces and the state of Coahuila. Length from north to south, 300 miles. Average breadth from east to west, 175 miles.

COLONIAL GRANTS.

These three jurisdictions, and the northwestern part of the province, have been *subdivided into colonial grants:* as follows.

I. In the Jurisdiction of Nacogdoches are Five Grants. To wit:

Zavalla's, bounded on the north by Milam's and Felisola's. On the south by the Mexican Gulf. On the east by the river Sabine. On the west by Whelin's, and Burnet's. Length from north to south, 180 miles. Average breadth from east to west, 60 miles.

Whelin's, bounded on the north by Burnet's. On the south by Galveston Bay. On the east by Zavalla's. On the west by Galveston Bay, and Austin's. Length from north to south, 150 miles. Average breadth from east to west, 40 miles.

Burnet's, bounded on the north by Felisola's. On the south by Whelin's and Austin's. On the east by Zavalla's. On the west by Austin and Williams'. Length from east to west, 90 miles. Average breadth from north to south, 50 miles.

Felisola's, bounded on the north by Milam's, Cameron's, and part of the unappropriated lands. On the south by Zavalla's, and Burnet's. On the east by Milam's. On the west by Austin and Williams', and unappropriated lands. Average length from east to west, 90 miles. Average breadth from north to south, 50 miles.

Milam's, bounded on the north by Red River. On the south by Zavalla's, and Felisola's. On the east by

Louisiana, and Red River. On the west by Felisola's, and Cameron's. Length from southeast to northwest, 160 miles. Breadth from northeast to southwest, 60 miles.

II. In the Jurisdiction of Brazos are Three Grants. To wit:

Austin's first grant, bounded on the north by Austin and Williams', and Austin's second grant. On the south by the Mexican Gulf, Galveston and Matagorda Bays. On the east by Whelin's, and the bay of Galveston. On the west by De Witt's, and De Leon's. Length from north to south, 150 miles. Breadth from east to west, 120 miles.

Austin's second grant, bounded on the north by Austin and Williams'. On the south by Austin's and De Witt's. On the east by Austin and Williams'. On the west by Austin and Williams', and the department of Bexar. Average length from north to south, 60 miles. Average breadth from east to west, 60 miles.

Austin and Williams', bound on the north by unappropriated lands. On the south by Austin's first and second grants, and the department of Bexar. On the east by by Felisola's and Burnet's. On the west by Cameron's second grant, Woodbury and Co.'s, and Bexar department. Average length from north to south, 180 miles. Average breadth from east to west, 140 miles.

III. In the Jurisdiction of Bexar are Five Grants. To wit:

De Witt's, bounded on the north by Austin's second grant. On the south by De Leon's. On the east by Austin's first grant. On the west by the department of Bexar. Length from north to south, 100 miles. Average breadth from east to west, 40 miles.

De Leon's, bounded on the north by De Witt's and Bexar department. On the south by Matagorda and Espiritu Santo Bays. On the east by Matagorda Bay, and La Baca River, which divides it from Austin's first grant. On the west by Powers', and Espiritu Santo Bay. Length from north to south, 50 miles. Breadth from east to west, 25 miles.

Bexar department. bounded on the north by Austin and

Williams', and Woodbury and Co.'s. On the south by De Leon's, and Powers'. On the east by De Witt's, Austin's second grant, and Austin and Williams'. On the west by Woodbury and Co.'s, M'Mullen and M'Glone's. Average length from north by west to southeast, 225 miles. Average breadth from northeast to southwest, 65 miles.

Powers', bounded on the north by the department of Bexar, and M'Mullen and M'Glone's. On the south by the Mexican Gulf, Aransaso and Espiritu Bays. On the east by De Leon's. On the west by the bay of Corpus Christi, and the Rio de las Nueces. Length from northeast to southwest, 35 miles. Breadth from north to south, 30 miles.

M'Mullen and M'Glone's, bounded on the north by the department of Bexar, and Woodbury and Co.'s. On the south by Powers', and the river Nueces. On the east by the Bexar department. On the west by the Rio de las Nueces. Length from northwest to southeast, 220 miles. Average breadth from northeast to southwest, 60 miles.

IV. In the Northwestern parts of the Province are Three Grants. To wit:

Cameron's first grant, bounded on the north by Red River. On the south by unappropriated lands. On the east by Milam's, and Felisola's. On the west by unappropriated lands. Length from east to west, 300 miles. Breadth from north to south, 70 miles.

Cameron's second grant, bounded on the north by unappropriated lands. On the south by Woodbury and Co.'s. On the east by Austin and Williams'. On the west by unappropriated lands. Length from east to west, 120 miles. Average breadth from north to south, 40 miles.

Woodbury and Co.'s, bounded on the north by Cameron's, and unappropriated lands. On the south by the department of Bexar, M'Mullen and M'Glone's, and the state of Coahuila. On the east by Austin and Williams', and the department of Bexar. On the west by the state of Coahuila. Average length from east to west, 150 miles. Average breadth from north to south, 100 miles.

Unappropriated lands, bounded on the north by Cameron's first grant, and Red River. On the south by Felisola's second grant, and Woodbury and Co's. On the east by Cameron's first grant, Felisola's, Austin and Williams', and Cameron's second grant. On the west by New Mexico, and the state of Coahuile. Length from east to west, 350 miles. Average breadth from north to south, 75 miles.

A portion of Bexar department, has of late been granted to Benjamin R. Milam. It will be located between the Colorado and Guadalupe rivers, in latitude 30 and 31 on the most elevated lands in the province, combining, in an eminent degree, all the elements necessary to make it one of the greatest grazing, agricultural, and manufacturing districts in the country; and within its limits it will embrace the silver mines of San Saba.

BAYS AND INLETS.

On the Gulf coast of Texas between the Sabine and Nueces rivers, a distance of 250 miles, there are five bays, and two particular inlets. To wit;

Lake Sabine Inlet, which mouths into the Gulf in latitude 29 deg. 30 min. Longitude 16 deg. 55 min. The inlet to this lake is ten miles long, and has four feet of water on its bar, in the lowest stages of the river; but the lake is difficult to cross, owing to the mud and oyster banks which extend from side to side, in such a zig-zag manner, as to leave it almost passable in a dry season on foot.

Galveston Bay, whose east pass is in latitude 29 deg. 15 min. Longitude—Washington, 17 deg. 30 min.—Greenwich, 94 deg. 30 min. West pass, latitude 29 deg. 5 min. Longitude 18 deg. 5 min.

Galveston Island, (San Luis,) whose length from northeast to southwest is thirty six miles, and averaging three miles in breadth from northwest to southeast, lies between these two inlets. The face of this island presents at once a dry, barren, sandy waste; with but little on it to relieve the eye of the mariner, except it be a cluster of some three solitary trees, which stand near its west end. However, as it stretches along the coast in front of the Bay, it arrests the surges of the Gulf, and forms a secure and commodious harbor within, adequate to all the ordinary purposes of commerce.

On entering the east pass, which is about half a mile in width, and from twelve to fourteen feet in depth, we come to the main harbor, which is protected on the north by Point Bolivar, a promontory of considerable elevation on the main land, projecting from the east; and Pelican Island, which is of but little consequence otherwise, than to assist in forming this spacious harbor, in which there is a good anchorage of from three to five fathoms water, with muddy bottom.

From Pelican Island to the northeast point of the Bay, a distance of some sixty miles, by twenty-five in medium breadth, the depth of water varies from nine to three feet.

An arm of Galveston, called East Bay, extends from Point Bolivar along the coast twenty miles, at the head of which there is a deep tide water creek, that nearly intersects a similar creek from Sabine.

A western arm of this bay also stretches along the coast from Pelican Island to within two and a half miles of the Brazos river. The west pass enters into the center of this arm, opposite the mouth of Chocolate creek, and has from four to six feet water on its bar.

Brazos Inlet is in latitude 28 deg. 52 min. Longitude 18 deg. 28 min. The bar of this inlet is about twenty yards wide, with about six feet of water on it in all ordinary seasons.

The anchorage of this bar is good in north winds which blow off shore, or in light southerly winds; as the bottom is blue mud with three fathoms of water immediately off the bar, about six hundred yards from the beach, gradually deepening as you recede from the shore. The harbor inside the bar is perfectly safe in all weathers, and the river is sufficiently deep, at its lowest stages, to carry the largest coasting trader for sixty miles inland.

Matagorda Bay — whose main pass lies in the latitude of 28 deg. 18 min., and longitude 19 deg. 10 min. — has from ten to twelve feet of water over its bar, and a commodious harbor within it, with a perfectly safe anchorage in from three to four fathoms of water, opposite the oyster peninsula of Matagorda. This bay in its greatest breadth from north to south is only sixteen miles, but its length from northeast to southwest, is sixty miles; while its depth of water as you approach its shores varies from eight to three feet.

Espiritu Santo and *Aransaso Bays*, properly speaking, are but one Bay, whose main pass is in latitude 28 deg. Longitude 19 deg. 25 min. The water over the bar of this pass—and from it to within one mile of the west end of Aransaso, varies from four to six feet; and from the center of Espiritu, opposite the pass northward, the channel is broken and difficult, having opposite the mouth of San Antonio and Guadalupe rivers, but from two to three feet water. Espiritu Santo Bay is connected by a small gut of eight miles in length with the bay of Matagorda, enabling it to form a low, salt cane, marshy island, of from two to five miles in breadth and twenty-six in length, between it and the Gulf. The connection between the two bays of Aransaso, and Espiritu Santo, enables them to form equidistant on both, a low, sandy, bitter-weed island, of nearly six miles in breadth and twenty-four in length; leaving a narrow and shallow pass between its west point and the main land, from Aransaso Bay. The Gulf turns abruptly at this place, from out of its usual course of south by west, to that of south by east.

Corpus Christi, the pass of Rio de las Nueces, is situated in latitude 27 deg. 30 min. and Washington longitude 19 deg. 40 min. There is about four feet depth of water over the bar of this pass, inside of which there is good anchorage, in two fathoms water.

Nueces Bay is formed out of two arms of the *Braso Santiago* Bay, which lies north of the mouth of the Rio Bravo, extending itself in a narrow shallow course of no consequence, for seventy-five miles along the coast, until it meets the waters of the Nueces, opposite the pass of Corpus Christi. From thence one arm extends west twenty miles, and the other north twenty-five miles, leaving but a small space between it and the south west head of Aransaso Bay.

PRINCIPAL RIVERS.

The principal rivers in Texas, according to their importance, and which require three miles in their windings, to one of straight chain distance,—are the Brazos, Colorado, Trinidad, Guadalupe, Sabine, San Antonio, Rio de las Nueces, and Naches.

The name of the *Brazos*, (in the Spanish language, 'El Brazos de Dios'—the arm of God!) is significant of its character; it being placid and beneficent in repose—mighty and terrible in wrath. The sources of this river take their rise in the unappropriated prairie lands of the northwestern part of the province, and in Cameron's first grant. Thence it passes through the eastern part of Austin and Williams' grant and the eastern half of Austin's first grant, emptying its contents into the Mexican Gulf, after running a southeast course of six hundred miles.

The principal branches of this river as we ascend it on the east, are Buffalo, Pond, Walnut, Navasoto, Little Brazos, Tahuacaro, Noland, Red Fork, Tierras Blancas, Incoque, Tosohunova, and Timpisarahca. On the west, are Varner, Cow, Big, Palmito, Piney, Caney, Cedar, New Year, Yegua, Mulberry, Cedar, Clampit, San Andres, Deer, Cow, Bosque, Cedral, Palo Pinto, Tahcajunova, Taray, and Keriachehunova.

Its main western branch falls into a salt lake, which is situated in latitude 33 degrees, and in longitude 23 deg. 20 min.

Around this lake to a vast extent, the land is charged with mineral salt, on which nitre is deposited by the atmosphere. The rains dissolve this salt. When in the dry season the water is evaporated, the salt is deposited in immense quantities, and the whole plain is covered with crystalized salt. When on the other hand the rains are copious and extensive, a shallow, temporary lake is formed, which discharges its briny water into the Brazos; and the freshet produced by the overflowing of this lake, renders the whole river for a while, brackish. This brackishness or slight saltish taste, must continue, until a freshet, produced by the fresh water branches, washes it away.

The waters of the Brazos are generally placid and gentle, inasmuch as its main trunk and its numerous branches pass through a larger extent of level prairie country than any other river in the province. But on the contrary, after a plentiful fall of rain in the upper country, its waters pour down in torrents, impregnated with such an infusion of red clay, as to render it literally the Red river of Texas, and the wrathful tyrant; although it seldom carries away its banks, as they are either a red or blue clay, as slippery as soap, and remarkably adhesive.

The banks of the Brazos, for an extent of two hundred miles, from its mouth to its falls, range in depth from twenty to forty feet; and in all ordinary seasons, the one half of these banks is generally under water for two-thirds of the year. Of course then, there could be, by the bends of the river, a steamboat navigation, of from five to six hundred miles in length.

And was the bar removed at the entrance, ships drawing sixteen feet water, could ascend as far as Columbia, fifty miles from its mouth. And this might be easily accomplished, as the substratum beneath the sand of the bar is blue clay, as is also that between it and the beach. This clay would afford a solid foundation for piling, by which the channel of the river might be contracted over the bar, and thus as deep and safe a passage as the river itself would be made.

The *Colorado*, whose sources take their rise in Cameron's second grant, and in Woodbury and Co.'s grant, in the western part of the province, passes through between Austin and Williams' grant, and Milam's new grant; through the center of Austin's second grant, and the western half of Austin's first grant; emptying its contents into the eastern head of Matagorda Bay; after running a south-east course of four hundred miles.

The principal branches of this river, as we ascend it on the east, are Cummins', Duty, Rabb, Pine, Honey, Hunting, Bear, Pecan, Wisshauea, Pasigono, and Pisapejunova. On the west, are Jennings', Ralls', Scull, Williams', Buckner, Pine, Lo Bonillo, Garapatos, Piedernales, Sabinas, San Jose, Almagro, San Saba, and Piedra Pinta.

The waters of the Colorado, are generally rapid in their course, by reason of the main trunk, and its numerous branches, passing through a larger extent of undulated and mountainous country, than any other river in the province.

The bed of this river is crossed in many places by flagstone rocks of a calcareous nature, making it in a dry season, difficult to navigate for any distance above the level prairie lands of the Gulf coast. However, it is but seldom that small craft, of one hundred tons burden or so, could not ascend to its falls, which in a moderate stage of water are many,—commencing about one hundred and fifty miles from its mouth, and disappearing from time to time as the freshets rise. When that is the case, as it frequently is, there would be no other obstruction to the largest vessels, than that of drift wood; which (as well as the pleasant taste of its waters,) makes it the Mississippi of Texas.

The broken and hilly country through which the upper half of the Colorado river and its branches flow, naturally creates so many falls, of such magnitude, and of such utility for the purposes of art, as can be but seldom met with in any country; inasmuch as they are placed above obstruction by overflows at all seasons of the year. The banks of the Colorado are confined but steep; and although often charged with a current thirty feet in depth, are seldom overflowed. Of course there are no cut-offs, and but rarely such a thing as caving in.

The *Trinidad* takes its rise in the northeast of Texas, near Red River, in Cameron's first grant, passing through Felisola's grant, the western half of Burnet's grant, and the western division of Whelin's grant; emptying its contents, through five mouths, into the northeast head of Galveston Bay, after having run a southeast course of three hundred miles.

The principal branches of this river, as we ascend it on the east, are Turtle, Self, Big Cushatte, Little Cushatte, Hickory, Walnut, Hurricane, Little Prairie, and Big Prairie. On the west, are Old, Oak, Cushatte, Bidais, Bear, Triad, and Cross Timbers.

The waters of Trinidad usually flow in a smooth and gentle current, through level plains of prairie lands, uninterrupted by falls, even in the lowest stages of water. The banks of this river, like the Brazos and Colorado, are in general of a stiff clayish nature; narrow and steep, by reason of their being seldomer carried away than added to.

Vessels drawing such a depth of water as would enable them to cross Galveston Bay—taking the proper periods—could ascend, during one half of each year, one hundred and fifty miles up this river, although its serpentine course will ever be unfavorable to steamboats.

The *Guadalupe* takes its rise in the western highlands of Texas, between the district of San Antonio de Bexar, and Milam's new grant; passing on between Austin's second grant and the department of Bexar, then through the western half of De Witt's grant and the eastern half of De Leon's; uniting itself with the Rio de San Antonio, ten miles from the northwestern head of Espiritu Santo Bay.

The waters of Guadalupe, from its head branches, throughout its whole southeastern course of two hundred and fifty miles, to its mouth in Espiritu Santo, are limpid, pleasant, and nutritive.

The principal branches of this river, as we ascend it on the east, are Tehocote, Peach, San Marcos, Cedro, and Piedras. On the west, are Coleto, Cuchillo, Carizo, Fountain, and Sabinas.

There are some good falls on the head branches of the Guadalupe, but few to be seen in the main trunk, except when the water is in its very lowest stage, which is but seldom; since for uniformity of depth, during half the year, it equals, if not surpasses, any other river in the country.

Were it not for the circular bends of this river, which create a rapidity in the current, it would be easy for any kind of sailing craft to move on it, through its gentle declivity of one hundred and fifty miles, to its mountain falls. Nevertheless, the Rio Guadalupe would have been a useful river had it terminated in Matagorda Bay, instead of the uncommonly shallow bay with which it is connected; but as it is, its banks, thirty feet deep, may overflow, and its waters may roll majestically down, without being of much service.

The *Rio Sabine*, the eastern and longest branch of Lake Sabine, heads in the eastern part of Texas, between Milam's first grant and Felisola's grant, passing east between Milam's first grant and Zavalla's grant, to longitude 17 deg., and latitude 32 deg.; where it commences the boundary line between Louisiana and Texas, running a southeast course to the thirty-first degree, afterwards a southwest course until it terminates in Lake Sabine.

From the commencement of the River Sabine's head branch, to its termination in the northeast half of Lake Sabine, is a distance of one hundred and fifty miles; but in starting from the Mexican Gulf, after its length as a boundary line, we shall find it something like two hundred miles in extent; and one hundred and fifty of that, for two-thirds of the year, navigable for larger vessels than can cross the lake, between its narrow banks and the Gulf.

The main branches of the Sabine as we ascend it on the west, are Bevil, Adams', Cypress, Big Cow, Little Cow, Palogatcho, Patron, Tanaha, and Cherokee.

Sabine river has as much, if not more uniformity in the depth of its waters, than any other river in Texas, by reason of its heading but a short distance in a prairie country, and being afterwards fed from the spring mountain rills of its undulated country to the west; therefore it is seldom that its banks, of some twenty feet depth, are overflowed.

Rio de San Antonio takes its name and consequence from four mountain springs, a few miles northeast of Bexar, whence it rolls in a clear translucent stream, over a pebbly bed, until it meets the waters of the Madina, twenty miles from its fountain head.

The *Madina*, which is in fact the main trunk of the San Antonio, flows from the southeast corner of Woodbury and Co.'s grant, in the west of Texas, and passes down the western half of Bexar department and De Leon's grant; flowing a course of two hundred miles, before it joins the river Guadalupe, ten miles from the northwest point of Espiritu Santo Bay.

Its branches as we ascend it on the east, are Manahuilla, Cabeza, Aqua de Ojo, Cleto, Gibolo, Marcelino, Calaberas, Salado, Leon, Medio, Potranca, Saus, San Jeronimo, La Sequia, and Puerto de la Bandera. On the west it has no branches of importance.

The San Antonio labors under the same disadvantage, as the river Guadalupe, having a shallow bay at its mouth. Were it otherwise, it would, in ordinary seasons, bear on its waters, vessels of considerable importance, one hundred and twenty miles, from its mouth to its conjunction with the river Madina.

The banks of the San Antonio are narrow and deep, and have in the dry season a red appearance, owing to the large extent of bluff prairie which makes up to the margin of the stream.

Rio de las Nueces takes its commencement from Texas and Coahuila's southwest mountain spurs, running a course of two hundred and fifty miles southeast, before it joins the southwest head of Nueces Bay; from which bay, it is navigable for small craft, for upwards of one hundred miles.

The main branches of the Nueces, as we ascend it from the east, are Nombre de Dios, San Leandro, La Para, Rio Frio, and Tortuga.

Nueces Bay, and river, is the acknowledged boundary line, as far as it goes, between the state of Coahuila and Texas; but by reason of its passing through a long line of barren prairie, it will never be of much consequence otherwise.

Rio Naches takes its beginning in the northern parts of Burnet's grant, passing through the northeast corner of Whelin's grant, and descends through the center of Zavala's grant, until it empties into the northwest corner of Sabine Lake.

The main branches of the Naches, as we ascend it on the east, are Ayish Bayou, Amoladeros, Atoyac, Augline, Nana, Loco, Big Salt, and Little Salt. On the west, are

Charles, Big Alabama, Little Alabama, Pine, San Pedro, and Burnet's.

This river is, at its mouth, and for fifty miles upwards, the largest branch of the Sabine Lake. It is navigable, at all times, for such craft as can cross the lake, one hundred miles inland; and is, in its whole length, one hundred and fifty miles.

The Naches is a pleasant river, of a gentle current, with but few obstructions in it, either by falls or sand bars; and, as it flows through a broken country of but narrow extent, its banks are but seldom overflowed.

SECONDARY RIVERS.

The secondary rivers in Texas, according to their importance—only requiring two miles in their windings, to one mile of straight chain distance—are the San Jacinto, Navedad, Buffalo, La Baca, San Bernard, and Cane.

San Jacinto, after a course of seventy-five miles, through the eastern part of Austin's first grant, meets the waters of the Buffalo, and falls into a prong of Galveston Bay's northwest point; and is navigable, thirty-five miles, for such craft as can pass through the upper end of Galveston Bay.

The banks of this stream are deep, and its branches few; therefore it seldom overflows; although in southerly winds the waters of the Bay back its current for some distance; giving it a brackish taste, until either the river overflows, or the north winds drive back the waves of the Bay.

The *Navedad*, on the western side of Austin's first grant, after a course of one hundred miles, meets the La Baca, twelve miles from the southwest head of Matagorda Bay; and is navigable to the junction, for all vessels which can ascend to the upper side of that bay.

The waters of this river meander through an undulated country, and are rapid in their course, over beds of limestone rock and sandy gravel. It is subject to sudden overflows, from the surface waters of the many rolling prairies in its neighborhood.

Buffalo Bayou takes its rise from many a prairie branch, in the eastern part of Austin's first grant. Its longest branch is forty miles from the mouth of the Bayou, at its junction with the San Jacinto. This Bayou is both deep in its waters and placid in its current, as far inland as twenty miles above the tide water of Galveston Bay.

La Baca takes its commencement in the northern divisions of Austin's first grant and De Witt's grant, serving as their dividing line, throughout a southwest course of seventy-five miles; then it is the boundary line between Austin's first grant and De Leon's grant, until it meets the Navedad, after a run of eighteen miles more. This is a beautiful narrow stream, often shallow, but never dry, as it is supported by springs, even to its extreme head; so that its waters are at all times pleasant, cool, and refreshing.

San Bernard begins in the centre of Austin's first grant, nearly equidistant from the branches of the Brazos and Colorado, in the north central division of the grant, one hundred miles from its mouth, which enters the Mexican Gulf, twelve miles west of the Brazos.

Were it not for the shallowness of the bar, which is only three feet deep at the mouth of this river, vessels drawing six feet water could almost at any season ascend it forty miles, twenty of which it rises and falls with the Mexican Gulf tides.

Cane is a large creek, sixty miles in length, that heads near the Colorado on its east side, and passes by the northeast head of Matagorda Bay, within a less distance than one mile, before it enters the Gulf stream. It can be navigated by small craft, drawing four feet water, two thirds of the year, over thirty miles inland from the Gulf of Mexico.

The *small* but *useful rivers* in Texas, according to their importance, are Wishetaw, Aransaso, Sulphur Fork, and Chocolate.

Wishetaw is a south branch of Red River, collecting its waters from the northwestern prairie lands of Cameron's first grant; and can be entered by steamboats, twelve miles from its mouth.

Aransaso gathers its waters from the southeast point of M'Mullen and M'Glone's grant, and the southwestern lands of Bexar department. Vessels of such draught as can enter the northeast prong of Aransaso Bay, can also enter this river six miles, about the seventh part of its whole length.

Sulphur Fork is a southwest branch of Red River, above the raft, in the lands of Milam's grant. Its branches are long, but its main trunk is of little importance, except near its entrance into Red River.

Chocolate, opposite the west pass of Galveston Bay, is some twenty miles long, of a narrow channel; but its waters are of equal depth for ten miles with the western arm of Galveston Bay.

TOWNS OF TEXAS.

Beginning with those of its eastern jurisdiction.

Nacogdoches, the capital of that department, is situated in the northwest of Zavalla's colony, sixty miles west of the river Sabine, on the road leading to Natchitoches, state of Louisiana; from which it is distant one hundred and ten miles. Its site is in latitude 31 deg. 36 min. and longitude 17 deg. 36 min.

Nacogdoches is peculiarly situated, in a romantic dell, surrounded by woody bluffs, of considerable eminence; within whose inner borders, in a semicircle embracing the town, flow the two translucent forks of the Nana, a branch of the Naches.

It is a flourishing town, containing from eight hundred to one thousand actual citizens, although it generally presents twice that number, on account of its extensive inland trade, one half of which is supported by the friendly Indians. The healthiness of this town yields to none in the province, except Bexar, and to none whatsoever south of the same latitude, between the Sabine and Mississippi.

The soil around it is of an easy nature, well adapted for gardening; and the lands of the whole district fit for the plow, are in general good, particularly those of the northeastern and southwestern sections of this jurisdiction.

San Augustine—situated on the Ayish Bayou, an eastern branch of the river Naches, fifteen miles west of the Sabine, and forty-five miles east of Nacogdoches. Its site is pleasant, and its improvement more rapid and flourishing than any other town in Texas, at the present day; inasmuch as it is placed in the center of one of the richest landed districts in the whole province, peculiarly red in its texture, and loamy in its qualities.

Anahuac—at present the third town of importance in the district of Nacogdoches, destined at no distant period to be the first, on account of its superior advantages; being located on a beautiful, high level prairie bluff, southeast of Galveston Bay, opposite the mouths of Trinidad river, in a comparatively pleasant and healthy situation.

Liberty—whose location is beautifully situated on the east side of the Trinidad, thirty miles from the mouth of that river, and eighty miles from the Sabine, by the road leading to Opelousas, Louisiana.

The site of this town is on a light but prolific soil, superior to any in the district for its horticultural qualities; and, like that of Anahuac, is the most pleasant and picturesque town situation in Whelin's colony.

There are several other town sites, already laid out in the jurisdiction of Nacogdoches, particularly on the Naches, in Zavalla's colony, southeast of Nacogdoches; and in Whelin's colony, on the Trinidad, northwest of Liberty. These towns, by their position on navigable waters, must increase rapidly.

Besides those already laid out, there are many other town positions, of a superior nature, in this department, particularly in the southern section, such as Bolivar Point; the southwest end of Lake Sabine; and between the mouths of the river Sabine and Naches; also at the mouth of the Sulphur Fork, in Milam's colony; and on the banks of the Trinidad, in Felisola's colony; as well as in Burnet's colony, on the same river, and its branches.

San Felipe de Austin—capital of the Brazos jurisdiction, in Austin's first colony, one hundred and seventy-five miles southwest of Nacogdoches, on the road leading from Natchitoches, Louisiana, and eighty miles from Liberty, by the road leading to Opelousas in the same state. Its site is in latitude 29 deg. 50 min. Long. 19 deg. 5 min.

This town contains from four hundred to six hundred citizens, who are pleasantly situated on the southwest margin of the river Brazos, and on the northeast side of an extensive prairie, the soil of which is of a marly nature, so mixed with sand, as to be well adapted for the scientific orchardist and the industrious gardener; and the land of its extensive level neighborhood, is not only in general fat, but friable, and of a generous nature, in its returns to the cultivator.

Columbia is the second, but must soon be the first town of the Brazos department, by reason of its location; being placed on the southwest end of the first prairie eminence, on the west side of the river Brazos, above the Gulf, one mile and a quarter from what may be termed the upper sea-port landing of that river.

This town commands the trade throughout the whole season, of one of the most extensive, unbroken countries in the province; which is as famed for its growth of cotton, as it cannot fail in after days to be for sugar. Although it is in general a black stiff soil, yet as it is often agreeably mixed with sand, it is not so stubborn to the plow, as its first appearance would indicate.

Brazoria, twelve miles below Columbia, on the same side of the Brazos, has heretofore been, and is yet, of considerable consequence; but cannot long remain so, by reason of its proximity to Columbia, and the lowness of its situation; being subject to overflows in a particularly wet season; although the clearing away, and improving of its widely spread timber bottoms, will support its continuance in some measure, as a carrying place.

Matagorda—the third particular town in the Brazos department, destined in after days, not far distant, to be its second, by reason of its commercial and healthy situation; being laid out on a prairie bluff, which makes up to the northeast side of Matagorda Bay and the southeast side of Colorado river.

This town is improving rapidly, as it is by far the most healthy, airy, and agreeable spot on the sea-board of the province, bidding fair to rival Columbia as a port of entry; having a large extent of surrounding country, perfectly level, and moderately rich; and if not quite of such a woody and luxuriant nature as the Columbian division of the country, yet its soil is much lighter, and easier to cultivate.

Harrisburg—on the south side of Buffalo Bayou, in Brazos department, forty-five miles southeast of San Felipe, chiefly supported by the pine lumber trade of its district, as the soil around it is light, and more adapted for grazing than culture.

Bastrop—situated on the east side of Colorado river, between Austin's first colony and his second, seventy miles north by west from the town of Matagorda, and the most rapidly increasing town in the interior of the province, with the exception of San Augustine in the Nacogdoches department.

Tinoxtitlan—a thriving town on the west of the Brazos, ninety miles north by west from San Felipe, in Austin and Williams' colony, jurisdiction of Brazos.

Nashville—situated on the Brazos river, in Austin and Williams' colony, at the great falls, two hundred and twenty-five miles from the mouth of that river.

There are many other town locations surveyed off, besides those mentioned in this partial description of the Brazos jurisdiction; such as Velasco, situated at the mouth of the Brazos, on the east side of that river; Marion, the river port of Columbia; Orizimbo, on the west side of the Brazos, twelve miles above Columbia; Bolivar, on the east side of the river Brazos, still farther up; and Fort settlement, on the west side of the Brazos, half way between Columbia and San Felipe; Washington, on the east side of the Brazos, forty miles above San Felipe; Lynchburg, at the junction of San Jacinto, and Buffalo Bayou; and Montezuma, on the east side of the Colorado, twenty-five miles west of San Felipe, on the San Antonio de Bexar road.

In addition to all those already mentioned, there are others on the upper Brazos, on the Colorado, and on the San Jacinto, with many other beautiful and eligible situations, which will be adopted, as the country fills with inhabitants, and necessity requires; such as the Navasoto springs, whose medicinal qualities have been of late so well attested, as to draw such a concourse of invalids, as must of course prove a stimulant for those interested to commence a town.

Navasoto sulphur springs are situated in the northeast corner of Austin's first colony, sixty-five miles northeast of San Felipe, on the Navasoto, an eastern branch of the river Brazos, in a beautifully agreeable, undulated, and healthy part of the country, containing as yet, (especially on the north, and west,) plenty of wild game of many kinds. What peculiar complaints are removed by these springs, has not as yet been particlarly examined into by the writer, but, as he has met with many, who after they had tasted them, have extolled them to the highest degree, he must believe, that when analyzed by scientific men, these waters will be found of a superior quality.

Bexar, formerly San Antonio, capital of the Bexar jurisdiction, in the department of Bexar, one hundred and sixty-five miles, west by south of San Felipe, and one hundred and ten miles from the river Nueces, by the road leading to Leona Vicario, formerly Saltillo, capital of Coahuila. Its situation is in latitude 29 deg. 26 min. Longitude 21 deg. 38 min.

This town contains from twelve hundred, to fifteen hundred citizens, exclusive of garrison soldiers, and trading peddlers of every description, who resort to it from the borders of the Rio Grande, as their nearest depot of American goods.

Its site is one of the most beautiful in the western world—its air salubrious—its water delightful—and the health of its citizens proverbial! The soil around it is light, but prolific, being capable of irrigation; and the land of the whole department is well calculated for cotton, corn, and small grain, besides esculents.

Galiod, formerly La Bahia—situated on the southwest side of Rio San Antonio, in the extreme south central part of Bexar department, northwest corner of De Leon's colony, and northeast corner of Power's colony, eighty miles north by east of St. Patrick's, on the Nueces, in M'Mullen and M'Glone's colony.

This town stands on the borders of a widely extended, level prairie plain; therefore it is second in health to no town of southern Texas, except Matagorda; as its water is pleasant, and though the soil around it is sandy, yet is as good as it is easy to cultivate.

Gonsales, capital of De Witt's colony, department of Bexar—seventy-five miles west by south of Montezuma, on the Bexar road to San Felipe, and ninety miles north by west of Cox's Point, its principal port of entry, on the northwest head of Matagorda Bay.

This town is situated on the southeast margin of the river Gaudalupe, between two large and luxuriant prairies, the one on its northwest side and the other on its southeast; which prairies have their northwest and southeast borders beautifully variegated with live-oak groves, post-oak and muskit knolls; over which knolls, lie scattered immense quantities of the finest building stones, and through which meander the sweetest of spring water rills.

For beauty of prospect, salubrity of climate, and the goodness of its river water, it is surpassed by no other town or location in the province, with the exception of Bexar. Its site is surrounded by a soil which is a perfect specimen of the whole colony—a dark unctuous mellow mould—so agreeably mixed with white sand as to make it alike superior, for the productions of the garden, the orchard, and the farm.

Victoria, capital of De Leon's colony, in the department of Bexar, on the east side of the Rio Gaudalupe, in a good prairie soil, with mellow rich woodlands, both of hill and dale, in its vicinity. Its situation is comparatively healthy; and, being on the margin of the Guadalupe, its waters are nourishing, and agreeable to the taste.

St. Patrick, capital of M'Mullen and M'Glone's colony—situated on the northeast side of the Rio de las Nueces, ten miles from its mouth.

This town must be of considerable importance, as it is the thoroughfare between Matamoros, and the southern colonies of Texas.

Matamoros, on the south side of the Rio Bravo, forty-five miles from its mouth, and twenty-five miles from the Bay of Braso Santiago, is a town of much mechanical business and inland trade, with some fifteen thousand inhabitants—distant only one hundred and twenty miles from St. Patrick, southwestern department of Bexar.

Refugio—capital of Powers' colony, department of Bexar. This town is placed in a pleasant and romantic situation, on the north side of the Aransaso river, five miles from the head of the northwest prong of the Aransaso Bay.

San Anna, in Bexar department, at the junction of the Navedad and La Baca rivers. It is an important and interesting place, for the north and western parts of the province, as it is the main port of entry west, for goods from the sea-ports, for that part of the country; as vessels which can ascend within six miles of the Colorado's mouth, can also ascend Matagorda west to Cox's Point,—twelve miles distant, by deep river water, from this town of San Anna.

There are but few other town sites, as yet located within the jurisdiction of Bexar, although nature has pointed out many a suitable place for them, which will be taken advantage of, by the increase of society. For instance, at Cox's Point in De Leon's colony, west head of Matagorda Bay; on the east side of the Guadalupe twenty-five miles above the town of Gonsales, where nature has formed one of the finest mill races in the province; on the west of the Colorado in Woodbury and Co.'s colony, opposite the mouth of its northern branch, Pasigona; in Cameron's second colony; and in Woodbury and Co.'s, on the southwestern branches of the river Colorado: as also in Milam's new colony, near the silver mines of San Saba, and the northeast side of the Guadalupe, same colony: besides those which may be located south of Bexar, on the San Antonio river and its branches; and, in M' Mullen and M' Glone's colony, at the mouth of the Rio Frio, where it enters the Nueces.

The reader will observe by what has been said, that the province of Texas comprises as yet no large towns within its limits; yea, not even Bexar itself, which was constituted as one of the first military garrisons, placed by the viceroys of Old Spain, as a safe-guard to the inhabitants of the Rio Grande, against the predatory excursions of their restless neighbors the Comanche Indians. In vain also will he look to Nacogdoches, established upon the same principle, about the same period, in order to overawe the wandering tribes of red men, between their borders and the colonists of Great Britain. Far less will he look to Refugio, one of the first Missionary stations founded through the laudable motives of the Spanish priesthood, for the conversion of the friendly Indians, scattered throughout the southern borders of their American possessions.

And let us bear in mind, that the American settlers of the province had first to be of those who lived chiefly on the chase, and were more anxious to secure lands than anything else; the finding of which naturally scattered them over such an extent of country, as made it inimical to the growth of towns; so much so, that San Felipe, the first American settlement, of fourteen years standing in the province, is yet a small place, in comparison with some recent towns east of Red River. But it will soon be with the inhabitants of Texas, according to the western pioneer's proverb—'Give me a rich country, and I will soon give you a large town!'

It should likewise be kept in mind, that I have not been able to describe all the grants, given in land by the Mexican government, as they are but of recent date, and will be best known, by application on the desired spot, coveted in Texas, from out of the following superficies.

FACE OF THE COUNTRY.

In describing the surface of Texas, we must take it in its threefold division, of plain, rolling, and mountainous—proceeding from the gulf of Mexico, to the interior.

The plain country, which may be termed a dead level, with here and there a gentle slope, is thirty miles broad at the Sabine, gradually extending its breadth to one hundred miles on the Colorado, (which is the center of this level country,) afterwards as gradually narrowing it, to a point on the Nueces, south by west of San Antonio de Bexar.

In passing from the east through this extent of country, we first find on the north and west of Lake Sabine, a low, woody, cane-brake country; and, on the southwest between Sabine Lake and Galveston Bay, sunken prairies, rather cheerless and sterile in their appearance, until we pass the northeast point of Galveston—where they assume a pleasant and attracting aspect. Crossing over the woody bottom of the Trinidad, we find a large extent of gentle sloping prairie lands, here and there enlivened by skirts of timber, except near Galveston, where the prairie becomes naked and marshy.

Leaving the lands of San Jacinto, and Buffalo Bayou, which are considerably interspersed with fine undulations, (a thing not to be met with a second time in this region,) we find the whole country from Galveston Bay, to Brazos river, one extensive prairie; rather low and swampy on the Gulf coast, but in its interior plain, considerably relieved by creek timbers, and solitary groves.

Moving onward, from the east side of the Brazos' broad timbered bottom, to the west side of Cane, we find but little prairie except on the north side of this level stretch, and down the west bank of the Brazos timbers, to a point at the town of Columbia; the balance being in general an extensive woody bottom, interspersed with immensely large cane-brakes,—which bottom, on the sea-board, becomes somewhat low, and miry in a wet season.

On both sides of the river Colorado—with the exception of its timbers, from Cane on the east, to Navedad on the west, we find it one solid prairie—apparently rich, and truly magnificent—being intersected, at various points and distances, with variegated clubs of timber, and continuous meandering skirts, which point out the various branches and creeks of these three rivers.

In continuing our route west of the Navedad, we still progress, more and more, into a light sandy soil prairie, to the north and west considerably sloping, but to the south and southeast perfectly flat; and on the shores of Matagorda, Aransaso, Espiritu, and Nueces Bays, not only flat, but wet, and sterile in appearance, almost throughout every change of the season. However, the rivers Guadalupe, San Antonio, Aransaso, and Nueces, with their numerous branches, create a relief to the eye, and a confidence to the land hunter which will not be disappointed.

The rolling, or undulated part of Texas, embraces by far the largest portion of that province; lying in the form of a triangle, with the center of its base line on the Sabine, in latitude 32 degrees, and its vertical point resting on the Colorado, middle of Austin's second colony, longitude 20 deg. 30 min.

In exploring the base of this extensive portion of the country, situated between the rivers Sabine and Trinidad, we find it a wooded surface, having but few prairies and those small, particularly on the river Naches and all its branches, as well as those of the Sabine, which meanders through an excessively broken country of timber land; and, below the junction of the Ayish Bayou with the Naches river, it is closely incumbered with scrubby undergrowths of every kind, with here and there a small cane-brake.

But the country of this base, as we descend from Red River, is more open, and the sides of its undulated swells not so abrupt, presenting at the same time numerous tracts of woods; which, as we approach the Trinidad, are more open and free from undergrowth. Upon a level surface, the distance at which objects can be seen, through these pleasant forest glades, is surprising; and open as they are to the influence of the sun, a thick carpet of grass is formed underneath, affording a plentiful and nutritious range.

Now, reader, your relator is lost for words to describe the balance of this landscape triangle, after crossing the river Trinidad; as no language can convey to the mind any thing adequate to the emotions felt by the visiter, in ascending this vast irregularly regular slope of immense undulated plains, which expand before the eye in graceful rolls, affording from the summits of their gentle swells, a boundless prospect of verdure—blending in the distance, to the utmost extent of vision, with the blue of the horizon. Few spectacles surpass it in beauty and magnificence. The boundless expanse and profound repose of these immense plains, excite emotions of sublimity akin to those which arise from a contemplation of the ocean, in its display of undulatory movements. Yea, a more grand and stupendous silence even broods over these regions, where often neither sound nor sight, foreign to the scene, disturbs the contemplation of the passing traveler.

These rolling prairies are generally divided by a broad declivious vale, through which meanders in sweeping curves, one of those brooks, creeks, or branches, which enter the Trinidad, or Brazos, or Colorado; on which, as they approach these rivers, there is more or less of timber, relieving the eye, in unison with these fine airy groves of every shape, with which the prairie mounds are studded—with spaces in them seemingly designed for buildings. Nature invites the cultures of art with the most alluring smiles. In many places these eminences, or inclined plains are regularly and beautifully decorated with timber, forming straight rows or colonnades; then variegated into serpentine avenues, arches, or verdant alcoves, charming in their appearance and soothing in their effect.

These rows of timber and picturesque groves are called islands, from the striking resemblance they present to small tracts of land surrounded by water. Nothing can be more natural than the comparison, as the prairies often assume the appearance of a lake both in surface and color; and in the remoter parts the hue melts into that of distant water. And it requires no very great effort of the imagination, especially in certain states of the weather, and changes of the light, to fancy that such is the reality of the scene. Yea, so much has nature contributed to the illusory appearance of these groves, that they often present all the beauty of art. For the trees are of nearly equal size, and grow near together, without underwood, and present outlines perfectly well defined, and often surprisingly regular; some appearing to form exact circles or ovals, while others are nearly square or oblong with scarcely a single tree projecting beyond;—so that it is found difficult to divest one's self of the impression that much of the land had been lately cleared, and these were the remains of the forest.

Taking this interesting part of the province in all its bearings, I doubt whether another could be found like it on the continent—from its one mile encircled prairie, to those of twenty miles, without a solitary tree, shrub or bush. And although the music of brooks and water-falls is not heard to enliven nature—now leaping from rock to rock in frolic play, and again tossing over foaming cascades of mountain scenery—yet there are but few streams, which reveal not from their clear depths every little pebble and shining grain of sand; at one time expanding their swelling bosoms to the broad eye of day, reflecting back the sparkling sun-beams as from a thousand mirrors; now flowing smoothly over their beds of sand, then coyly retreating beneath the shade of overhanging foliage and the more delicate net-work of the skirting wood.

Elevations of land, from the round pigmy hills of a foot high, to the elongated mountains of the fourth magnitude, are to be met with in this section of the country; from whose summits there is always an enlivening, and often a magnificent prospect. Out of many which might be described, there is one which is well worth the fatigue of a hundred miles' journey to see—immediately on the road from Bexar to San Felipe, thirteen miles east from the Gaudalupe. On ascending from the Colorado up this inclined plain, for the first time, we are suddenly stopped on the west edge of a rather abrupt declivity, with astonishment and wonder. Well may it receive the appellation of mount Pisgah; for, like Moses of old, we are made to exclaim—'Behold the land of Canaan, and the best of it lies before you!' For the whole undulated valley of the river Gaudalupe, with its branches, its prairies, its woods, its hills, and its vales, as far north, west, and south as vision can extend, lies under your enraptured gaze, in a full panoramic view.

The mountain range of Texas commences from a spur of what is called the Cerra Madre, (mother mountain,) which it leaves near the junction of the Rio Puerco with the Rio Bravo, and passing in a north-easterly direction, enters Texas at the sources of the Nueces river. Thence continuing in the same direction to the head waters of the San Saba, crossing the Colorado some distance below the mouth of that river, it is finally lost in the undulating lands of the upper Brazos.

Spurs of this mountain range also extend southwardly down the rivers Madina and Gaudalupe, to the vicinity of Bexar. Spurs likewise extend down the rivers Llanos and Piedernales, and the smaller western tributaries of the Colorado. Similar spurs stretch up the Colorado, above San Saba, to a considerable distance, and round the head waters of the San Andres and Bosque, tributaries of the Brazos. These mountains are of third and fourth magnitude in point of elevation. Those of San Saba are much the highest. They are in many places thickly covered with forests, interspersed with a great variety of shrubbery.

Extensive valleys of alluvial soil are found throughout this range, particularly upon the water courses. Most of these lands are irrigatable, from the numerous streams which flow down the mountains above them; and the sides of some of these mountains, with not a few of their summits, are susceptible of cultivation. This range of country is peculiarly abundant in copious fountains of limpid water, which give rise to numberless rivulets that flow off with rapid current, and unite to form the large rivers of the central and western parts of the province.

The scenery of this country is grand and beautiful:—here a romantic dell—there an enchanting alcove—and yonder a picturesque cascade, surrounded by the wood and the vine, in view of the rich glen and limpid brook which bends and curves from its vicinity; so that the traveler in passing from mountain to mountain, and from hill to hill, meets with the same repetition, except varied in all the multifariousness of nature's witcheries in her most frolicsome mood; sobering off to the eastward, until he meets her in the staid habits of hill and vale again—which she has smoothed down on the upper waters of the Gaudalupe, to the most graceful undulations, and rich sloping lands, covered with their rich robes of eternal verdure.

Extent of arable lands.—East of the Trinidad river, there will be found one third of the whole fit for the plough. Between the Trinidad and the Colorado rivers, one half of the lands are tillable. West of the Colorado, one fourth of the surface can be labored.

BOOK II.

GENERAL OBSERVATIONS.

VEGETABLE BEAUTY AND FERTILITY.

The province of Texas in general, for native beauty, and the lower division in particular for exuberant fecundity, is excelled by no other country I have ever known; except perhaps in the *first* by Scotland, and it may be in the *last* by Demerara, South America. And although it is as yet but partially cultivated, still it yields its hundreds and its thousands, not only of those things needful for man and beast, but of those which may be termed the superfluities of their existence.

Yea, its spontaneous productions meet the astonished traveler at every step, in such abundance, as can scarcely be believed by one who has not had an opportunity of seeing and judging for himself. Were a man to explore these regions, particularly in the spring months, he would find such a variety of useful and ornamental plants, as would exercise all the powers which he might possess of delineation and description; as he would find the earth covered with their expanding blossoms; the air perfumed with their aromatic fragrance; both combined so as to enchant the sensitive mind into elysian ideas—confirmed by the gratified eye, until every feeling becomes immersed into poetic inspirations; unfolding the curtain of conjecture, and laying open to the delighted view, in real life, those fabled dreams of the Elysian fields.

Enthusiasm kindles around the pen, when it would attempt to describe such scenes as must forever beggar a master's pencil, and must be visited to be known; as no words can do justice to their peculiar appearance: here an alcove of enameled flowers—there an unmeasured field of herbs, flowers, and plants; yonder the clear sweeping greenwoods, with their outlines as if guided by the hand of art; along whose edge tastefully stands the thickset sumac hedge, and whose trunks are fancifully dressed with the vine and the honey-suckle; rendering it difficult, when approaching one of these delightful places, not to surrender yourself to the pleasing illusion, that you are surveying the park and lawn of some elegant mansion embosomed among the swelling hills or beautiful groves which surround you.

Here then a botanist would meet, on these prairies of perpetual verdure, such a variety of flowers, plants, and roots, of kinds so various, and without doubt if their virtues were known, of such intrinsic worth, as fully to compensate for every trouble taken in their investigation.

NATIVE PLANTS.

No common traveler will find it possible to follow up the flowery profusion through all the gradations which he must meet with at every fresh turn, from the largest flower to be found on the continent, to the most delicate, and to the most gaudy; while he is too often without a guide to their designation or class; recognising only those specimens of kinds, generally to be found in our gardens of the United States: such as the red and white roses, the May-flower, the wild-pinks, the red and yellow lilies, the jessamine, the cowslips, the golden-rod, the heart's-ease, the wild-hollyhock, and the pond-lilies, &c.

Then there are the herb varieties, as I may say, of every clime; from those of the most northern mountain tops, to the extreme southern vale; a convincing proof of the various soil and diverse climate which give them birth. Out of which I can give but few examples, such as the balm of Gilead, the cinque-foil, the eye-bright, the noble-liverwort, the wild-liverwort, the maiden-hair, the blood-wort, the plantain, the rattle-snake plantain, the toad plantain, the nettles, the ground-ivy, the water-cresses, and the yarrow-root, &c.

O! what a field for a doctor of the Thompsonian principle to practise on, in this country, which I have seen some of them do, with such success from the root and herb medicines thereof, as would but subject the relator to ridicule, in too many parts of these United States. However, let that pass with the herbs above, and let us look at some of the roots and plants below, such as the spinkenard (or petty-morrel,) the elecampane, the angelica, the sarsaparilla, the ginseng, the licorice, the mandrake, the wild-potato, the ground-nut, the snake-root, the gold-thread, the devil's-bit, the blood-root, the wild-parsnip, the onion, the garlic, the hellebore white and black, and Solomon's-seal, with, as before, many an et-cetera!

Of the tea plants there are many kinds made use of by the citizens of Texas, the leaves of which would not disgrace the richest China urn, and the flavor of which is equal to the best hyson, and it has been taken as such by the most epicurean connoisseur. A head-ache flies at its approach, and a decoction of it taken in bed never fails to counteract the severest cold.

The indigo grows here in luxurious profusion, and its plants are rich and juicy, requiring only the aid of the careful and industrious house-wife to produce a dye, if not superior, yet equal to the far famed Prussian blue.

The nopal, or prickly-pear, deserves a passing notice, as it is the vegetable which is fed on by the insect that yields the cochineal dye; which I have never seen in the Northern States grow over six or eight inches in height, while in Texas there are impenetrable thickets of it, higher than a man on horseback. This plant produces an immense quantity of fruit, which, together with the young leaves, furnishes food for vast herds of cattle and wild horses. Of the fruit of the nopal, there are two kinds; one is scarlet, about the size of a common pear, with much of its shape; the other is much longer, and when ripe, of a yellowish white color. The latter is much esteemed, and is gathered by the Mexicans to be sold as a choice fruit.

During the revolution, the army of Patriots commanded by General Toledo, who was defeated by the Royalists on the southwestern plains of Bexar in '13, was at one time preserved from famine by the fruit of the nopal: which circumstance, in connexion with its never-failing abundance, its closely compact form, its prickly aspect, its great value for feeding cattle, and for nourishing the cochineal insect, suggested the idea of adopting it as a part of the Mexican Arms.

MINERALS.

In traveling through this country of fruits, roots, and minerals, it will be better for every inexperienced and uninstructed man to leave his curiosity ungratified, than to taste; as many have suffered and some have died, through the effects of their own temerity; as every member of the exploring company, with which I was connected in the summer of 1830, can by their own experience testify, particularly by their making too free with the water-rills oozing from mineral beds: which leads me to suppose that the mineralogist, in search of fossils, would be amply remunerated by the search. Although in that department of science I confess my ignorance, yet by the glimpses, now and then, that I was able to take of the surface of mineral depositories, so plentifully scattered throughout the whole country—more particularly the mountainous parts—I am led to believe that in some future period, not far distant, the enterprising miner will be one of the most wealthy and independent men of the state; as the variety arises in gradation from the iron-ore, to that of the silver; and in all probability, we might extend our views even to that of gold!

Having found the iron, the lead, and the mineral coal, I shall leave the gold for future inspection; as well as that large mass of metal which is known to exist near the head waters of the Brazos, said to be several tons in weight, malleable and bright, having little oxide or rust upon its surface. A large piece of this metal was taken to New York many years since, by way of Natchitoches, under a belief that it was platina; upon which the chemists of that city made experiments, and it is said, proved it to be pure iron in a malleable state. The existence of such a mass of metal is as remarkable, as the fact is unquestionable; but whether it be iron, is perhaps not so well attested.

It is well known, however, that there are mines on the branches of the Colorado, (to say nothing of the Brazos,) that in former times produced a considerable revenue to the Spanish crown; particularly San Saba, which still stands upon record in the archives of Mexico, as of the third quality ever wrought within the boundaries of New Spain. But ever since they have fallen into the hands of the revolutionists, they have through necessity been neglected, as the republicans have had enough of them in the interior to employ all their spare hands; at least I may say their spare soldiers; as the savage foe, ever since they cut off the San Saba workmen, have been in no little degree, masters of their northeastern frontiers; taking advantage of the Mexican troubles, to become uncommonly noisome and refractory.

Leaving these things and pursuits, to be followed as they may, we shall take a closer observation and a more minute inspection of those things and pursuits, which are of a much more consequential nature to the mass of the people; because they can exist without silver or gold, but not without food and raiment.

ARTICLES OF CULTIVATION.

I shall ask then—Is it not a well known fact, that in New Orleans, the merchant gives as much, if not from one to three cents more for the Texas cotton than for that of Louisiana? And cannot the Texian farmer of the Gulf coast, raise as much if not some hundred pounds more of it to the acre, than the planters can in any part of the United States?

Let us examine and judge by what we have seen; remembering always that three pounds and one quarter of seed cotton in that country, yields one pound of clean, and that they are not so subject to the heavy rains, which often occur during crop time in Louisiana. Is it a wonder then, that the farmers of the rich, black sandy alluvial bottoms, should boast of their four thousand pounds per acre, one year with another; while those who cultivate the stiff, black lime soil, and those who occupy that of a reddish complexion, can vaunt of their three thousand five hundred pounds per acre, in all ordinary seasons? And, wherever the black uplands have been improved, they have commonly brought their three thousand pounds per acre. Who, then, would not emphatically exclaim, this is a cotton growing country? for of a surety its advantages for raising this article are superior to those of any part of the United States.

The next article of profit to the hands of the cultivator, on the Bay shores, would be that of the sugar cane. The species called the violet, would have the advantage of the riband cane, by coming to maturity earlier in case of frost; a thing which is long in coming, and has but little effect when it does come, on these level plains within the vicinity of the sea-board, especially where they are protected on the north and east, by river bottom timber, or post-oak ridges.

In consideration of all these advantages, those who shall see meet to turn their exertions to the making of sugar and rum, will find their recompense, by an unlimited quantity, as it were, of returns to the capital and soil employed; and that too, both as to flavor and quality, if not superior, yet equal to the West Indian productions of the same kind and name.

When at the same time the lower section of the country and its equally level valleys would be thus occupied, its mid-lands would produce wheat in such quantities, as could not fail to realize a considerable profit to the grower, as where it has been attempted, it has produced from thirty to forty bushels to the acre. And were there grist mills erected, and distilleries raised, there would then, besides wheat, be enough of barley produced, from the light mellow soil of the sloping prairies, and post-oak lands, not only to supply the country's consumption, but to export, in a raw or manufactured state, to a considerable amount.

Of course there could be oats in sufficiency, from the mountainous districts, to supply the people of the whole province with feed for their stable horses, and rye in abundance, if a market could be found in a country, where so little necessity exists for hoarding up stable provender of any kind. As for corn, that useful production, which can be reared, almost, on any spot of our continent, and which is of such an attractive virtue, as to bring every thing else, like substantiality and comfort, around the cabin of the pioneer, (for without it his homestead looks barren, and his house stock looks wretched, even in Texas!) need any family in the province be without this staff of life, so necessary for their well-being, and by them so easily attained, as has already been amply demonstrated,—by its yielding from thirty to forty bushels per acre, when only planted by new comers in an open woody bottom with a marlin-spike, and never dressed afterwards, nor otherwise tended, except to keep as much as possible the vermin from devouring its ears, until they could be gathered into the crib. What then will be the result, when the country is covered with industrious inhabitants, the ground properly prepared, and the plants respectively attended to, as in the states of the North? Why, it will (although some visitors have thought not, but I have seen it raised too often not to know better,) be, calculating upon every drawback, from forty to eighty bushels per acre, according to the place and season.

But in what season, or to what place in Texas, shall we go wrong in looking for sweet potatoes? and that too, of the largest kind to be met with in any country; so much so, that I fear there are not many out of the province who will believe me when I have said, that I saw—and not only have seen, but often have assisted in eating, of these potatoes which have weighed upwards of eight pounds each, while at the same time, they were both dry and mellow. From prairie lands or dry soils, the farmers generally have such potatoes produced, at the rate of five hundred bushels per acre, without feeling in the least that there has been any thing uncommon done. Potatoes (Irish) grow equally well here, and are equally good; but strange to tell, if they are planted always from the same seed, they will degenerate into sweet potatoes in every respect; which by some is not much regretted.

Where shall a farmer in this country locate, so that he could entertain the remotest fear of his land's future poverty? I venture to say, nowhere, that a plough can be made to go. It could not be on the highest prairie, for the higher he could go, the more proportioned would he find its deep black mould mixed with sand—diminishing not its richness to him, but his labor. Nor could it be on its timbered swells, for the mildness of the climate forbids it, while he holds in his hand the power of rotary cropping, with the luxuriant vines of the pea, the bean, and the pumpkin, with many others so congenial to the climate and the soil; in addition to the heavy, swarthy layers of the brank and the vetch, in co-operation with the pasture and the fallow.

Nay farther, tobacco itself shall never be able to beggar the alluvial soil of the province, with all its searching qualities, for it must ever continue to be a superior production of that country, creating both profit and reputation, (whenever it shall become an article of commerce,) inferior to none east of the Sabine.

STOCK RAISING.

The salable part of a farmer's crop, might, if he were so disposed, be brought to market in better order, and to greater perfection, than any which I know of in North America; because, if Industry proves itself to be Fortune's right hand to a farmer of the United States, who has to provide so many articles of unprofitable consumption, how much more so in a country where the farmers are not now—nor ever will be—under much necessity for an over-anxious carefulness in respect to animal provender: having no occasion to collect and preserve it for the use of their live stock; as the pasture for cattle both summer and winter is unlimited, and the mast for hogs will in all ordinary seasons continue plentiful.

So much is it thus the case, that there is not a sober well-thinking man in the province, who will not aver, (when on his veracity,) that he can do as well as ever he did in a more northern sphere, upon *one half* of his time employed in manual labor. Yea, I have heard many say, and assert it boldly, too—whom I had no reason to disbelieve, by what I had seen myself!—'That they could do as well on one third!!' And why not? The earth brings forth by handfuls, (as I said before,) with comparatively little or no trouble; while their live stock increases around them with astonishing rapidity, producing their young at an earlier period of life, and having them afterwards more frequently, than those which live in a colder climate; doubling their numbers, independent of all common casualties, every two years, by only looking after them, instead of laboring during the extremity of the summer's heat, in order to collect that sustenance which is absolutely necessary to preserve them in existence during the rigors of a northern winter.

In confirmation of these things—Have not I seen hogs, taken from the timber bottoms, only two years old, and fed on mast alone! weigh when slaughtered, upwards of three hundred and fifty pounds each?

And did not I see a calf only eight months old! taken from the prairie lands—and butchered before the citizens of Gonzales—which weighed three hundred and ten pounds? I can also say, that I never saw a beef killed, but it outweighed common calculation; while I assure my reader by experience that the flesh is in general fatter, juicier, and tenderer, than any I ever tasted in any other country. The universal complaint about beeves in the fall, and hogs in the spring season, is of their unctuosity!—Fat, too fat!! Can it be wondered at, when the whole face of the country—bottom-lands, wood-lands, and prairie uplands—is verdant with grass, which suffers but little diminution in the winter, on these extended bottom-lands, broad cane-brakes, and large muskit grass glens, in the vicinity of which salt-licks are so common, as to seal the authenticity of that saying, which is not without reason, 'that it will cost more to raise a brood of chickens in Texas, than an equal number of cattle:' as the one is feeble and dependent, and confined to the precincts of the house, where its natural means of subsistence are soon exhausted, and it must be fed and protected; the others range abroad; are nourished and defended by their respective dams, and, feeding on the untilled and ungarnished harvests of nature, are very soon competent to support and protect themselves.

O! what a country to raise horses and mules in, whenever the number of its citizens shall bid defiance to the incursions of the Indian; making it as safe, and as profitable a business to embark in, as that of the cattle and hogs at the present day.

Good jacks can be purchased in the neighborhood of the Rio Grande, for about thirty dollars per head; and good unbroken mares, which are equally as valuable as broken ones, can be had at five dollars apiece, and driven into Texas at an expense, including all risks, estimated at about twenty-five per cent, on the first cost. Therefore, let a small capital be once obtained, the subsequent expenses are trifling—the increase sure and valuable.

Mustangs, or wild horses, are often caught in droves by the Mexicans, who drive them into pens constructed for that purpose; after which, they make such selection as will best suit the market; turning the rest out again to their native wilds. If those retained are under four years of age, they are easily subdued and domesticated, especially the mares, which are, many of them, animals of fine figure. Although they are generally inferior in size to the blood horses of the United States, yet they are bold, hardy, and active, better adapted to the saddle than to the harness; and their offspring, from the American horse, is often of a superior kind indeed. Mingled with the herds of mustangs, are often seen jacks, jennies, and mules; but one must be west of the Nueces, or north of the mountains, to see such a beautiful and interesting spectacle as a large drove of wild horses; for within the settlements of Texas, they are not numerous, and are fast diminishing, through the exertions of the inhabitants to enslave them for their benefit, or shoot them down for the hair of their mane and tail; pleading in excuse for the wantonness of their conduct, the safety of their tame horses, which are too apt to be led astray by the gambols of the mustang.

With the wild horses are also disappearing the buffalo and the bear; and deer are getting scarcer and scarcer every day, although a good marksman is sure yet, (if he goes on purpose,) never to return home without one,—or at least, in lieu thereof, a turky, out of the many droves to be still seen hovering around the skirts of the prairies.

These turkies grow to an enormous size, especially the males, one of which—I once saw, weigh after it was dressed, twenty-eight pounds!

MANUFACTURING ADVANTAGES.

Now, when we take a retrospective view of our western countries, we shall see at once, that Texas oustrips the most rapid of them, in her march of improvement, since the Americans sat down on it as hunters and graziers; now as graziers, farmers and small planters; leaning fast forward to that state which may be termed planters, farmers and graziers; and finally, if circumstances shall continue to answer expectations, that of planters, farmers and manufacturers, bringing in their train the enterprising merchant and artist. All of whom, in competition, never fail to produce luxury and refinement.

What an extensive field lies open for the moneyed capitalist and the scientific mechanic! where they could exercise their respective funds, in the commencing and carrying on of cotton and woollen factories. And would it be too much to say, that of flax also? No! For I have no hesitation in pronouncing it as much a flax country, as it is of any thing else; being convinced in my traveling through it, by coming upon a small field of it, in a cleared cane bottom, growing as beautiful as any I had ever seen in Europe;—it was its equal for length, evenness, and strength of stalk; so complete in its appearance, that an Irish gentleman in company declared—'Upon his honor, it was as good as any his mother (who was a proficient in that respect,) ever raised in sweet Ireland!'

But it is, like every thing else, which might be produced in the country—not yet fully entered into, and is only waiting for a proper stimulant to be universally adopted.

Well then, these factories could be established at the falls of San Antonio,—at those of Guadalupe,—and at those of Colorado and Brazos; those falls appearing to be formed by the plastic hand of nature, for that very purpose, and that too within the distance of from *two* hundred and *fifty* to *three* hundred and *fifty* miles of the Rio Grande, where wool can be had to any amount, at the low price of from three to four cents per pound; and which would not—as it is a dry, easy and direct route—cost more than from six to eight cents per pound, when brought to its place of destination. However, such an importation would soon be superseded, by the farmers of the province turning their attention to the growing of wool, whenever such a profitable market should thus be brought to their very doors.

For never was there a country better calculated for sheep than that of Texas, whether they are of the long or short wool breed; as its pasture lands are in general rolling, and on that account both dry, airy, and open; it being a standing maxim with the shepherds of every country,—'That a high, open, airy, dry range, is the only one adapted to the nature of that valuable animal.'

And as the post-oak, live-oak, pecan and walnut groves, are plentifully scattered throughout the prairies, shadowy retreats from the rays of the scorching sun, during the noon-day, would be in continual preparation for them; would they not thrive then to a certainty, particularly in the upper parts of the colonies, so as to be a profitable pursuit; provided they were attended to by a shepherd, and his dogs, who would carefully pen them in a secure fold every night, to preserve them in his absence from the panther, the ounce, and the wolf, &c., until such wild and voracious animals are destroyed; as they (especially the last) are at this time, and will for a long time to come, be very numerous and audacious.

COMMERCIAL FACILITIES.

Now supposing all these considerations were in full operation, and providing water conveyance was insufficient in its natural channels to answer quickly and profitably the demands made upon it—what then? Why, canals and railroads!—which with the increase of wealth and trade must be constructed; as surely the surface of no portion of the western continent, is better calculated for such improvements than that of Texas, in whose eastern and south-central department so much timber abounds, in conjunction with the iron, if you please, of its northwestern mountains, as to make the enterprise both easy and combinable, from one side of the country to the other, and from its mountains to its bays in every direction.

Which bays with their inlets, are well known to be none of the best, nor ever can be, for two reasons out of several which might be produced: *First*, on account of the immense quantities of friable clay and sandy particles, carried down from the hills and rolling prairies, every year, by the freshets to the flat coast of the gulf vicinity. *Secondly*, on account of the Mexican Gulf's tide waters, too often assisted by the south winds, to cope with the surface level of the bay shores—check the river waters—refusing to receive them as it were, until they have added a little more, to the alluvial part of the country from whence they came.

Nevertheless, those small vessels that are all-sufficient for the coasting trade, can by good care and correct management, enter those bays with facility; and if large vessels should ever be employed, they can, by remaining in the roadsteads, have their loads conveyed to and from them by lighters. So that upon the whole, we may with propriety compare this coast with that of South Carolina; which is known to answer, by a little more expense, every end required.

However, when the commerce of the country shall require the largest merchant ships, Galveston Bay will be the focus of trade, by having such a large scope of country, whose rivers can be made tributary to it; which, together with rail-roads, will insure to this point two-thirds of the imports and exports of Texas.

And it cannot be long, before the foundations of a town will be laid, either upon Galveston island, or the main land below Red-Fish bar, fifteen miles south of the bay head. My impression is, that Bolivar point offers the most fitting location for such a town, which must, at no distant period, take its place among the respectable commercial cities upon the Atlantic coast.

RESOURCES AND PROSPECTS.

In a few words, it is a country abounding with resources, which have, in spite of every obstacle, stimulated the reflecting mind, to venture upon future calculations of profit and independence, at the expense of present happiness and ease; so much so, that the country is moving onward —although but slowly—more by reason of imaginary, than real causes; still it is with a steady and silent pace, towards that state of society, wherein one will not only meet with all the pleasures of polished life, but with every other concomitant inherent therein.

However, when that period shall arrive, is as yet a secret hid in the womb of futurity. But one thing we know: *if* the present political struggle between its inhabitants and the Mexican authorities—*shall end well;* even so, as to be a recognized State of itself—governed by its own local laws, in conformity with the laws of the Mexican Confederation:—*or if* the citizens thereof shall continue to consult their true interest—acting accordingly—it must eventually grow, and that too with rapidity, not only in moral, but in physical strength and consequence; notwithstanding the *six* Cardinal faults it labors under—not only in the opinion of many visitors,—but at present in that of some settlers also,—who have gone to see or settle in it, with their minds possessed by very erroneous ideas, concerning its present prosperous and improved condition.

'Those persons who give vent to their morbid feelings, by detraction and slanderous misrepresentations of the country, would do well to ask themselves,—in what part of the world, they can get land for little or nothing? —where obtain so many enjoyments with so little labor? and, what region combines every good?'

Now these *six* particular stumbling-blocks (or objections to Water, Timber, Climate, Savages, Mexicans, and People of Texas) shall by us be sifted and analyzed, each in its own book; until we have thoroughly examined the grounds whereon they stand, and pointed out some of the means whereby these real or seeming difficulties, growing out of those supposed deficiencies, have been already in part—and may in whole be so amended, as to be considered successfully met, and completely surmounted.

BOOK III.

WATER OF TEXAS.

WATER COURSES.

TEXAS can boast of having as many water courses within its boundaries, as any other given portion of the same extent in America; but in the aggregate they are of less consequence to the people, and of less utility to the country, in a commercial point of view than the rivers of any other district of the same proportion on the continent. A map of Texas, displaying as it does, so many rivers and their branches, would lead one to infer that the country enjoyed extraordinary facilities for inland navigation; which is not the fact. The rivers when once entered, though deep, are narrow, and change their courses abruptly, which counter-balances the advantages derived from their depth, and the pretty ample distribution of their waters. There is no water course in the country, to be compared with Red River in Louisiana: as there are but few, very few indeed, navigable in low water! While during the freshets, they are obstructed by rafts of floating timber, which on account of the level and alluvial nature of the soil through which their greatest body flows, deposit themselves in such numbers and quantity as to bid complete defiance to a free and easy navigation. There is a complete stop put to navigation in many places, particularly in the Colorado, which has a raft ten miles from its mouth, of very considerable magnitude; and there it must continue, like those inferior ones in the other rivers, until the inhabitants become enabled by their numbers and wealth to overcome such paltry obstructions.

FOUNTAINS.

Although the deficiency of river navigation, or river water, (putting obstructions aside,) is so apparent, as to be undisputable, yet it by no means proves a want of water for the necessary supplies of animal life. There is one thing certain, that no settler in the province could, if he should try, find a spot destitute of fountains, at a distance of five miles from one of those numerous spring creeks, or river branches, which traverse the territory from side to side, and from river to river; more especially in the mountainous district northwest of the Guadalupe, and the rolling woodlands east of the Trinidad. Purer water, or more frequently to be met with, is seldom to be seen in any country; barring those noxious filtrations proceeding from the mineral beds of iron, lead, copper, &c.

A man must in some situations sink a well for the convenience of his family; but he seldom would have to dig deep, before he would find cool and good tasted water; superior in one respect to the water of the *cistern*, which must so often be had recourse to, on the bottom lands of Red River, to the eternal production of that teasing and annoying insect the musketo. When a family is thus in possession of a well, their live stock can without going too far find a plentiful supply.

Still there is one thing not to be denied, that there are but few creeks, which continue running throughout the whole year; and as the visitors of the province generally examine it in the dry season, they are in respect to water most commonly disappointed. This is partly owing to the roads running through the highest and of course the dryest situations of the country, and partly to the porous nature of the earth, over which the waters of these creeks have to pass; or to the scorching beams of the meridian sun, which dry up the water beds, during the length of a midsummer's day; or to the elevation of the land, which drains the rain waters, easily and rapidly from off its surface.

SINKING OF STREAMS.

The water sinks by day, and rises by night, in these sand-bed branches that are supplied by small springs; so that a stranger is often surprised in the morning, to find a running stream, where he only found in the evening a dry branch, containing at his encampment (if he was so fortunate as to nave a guide, or so judicious as to find) one of these never failing broad-leafed ponds; which he is bound upon conscience to pronounce 'As the sweetest and purest water he ever tasted:' perhaps owing a little of its refinement to the filtrating process it had undergone in rising and sinking through its local bed; and perhaps partly owing to the thirst he had endured throughout the previous day; which was heightened by disappointed expectations, in looking for water to be in every hollow, which he had, by keeping the highway, to pass over, in proceeding from one prairie to another; but which he found to hold none, except during the wet season, or during the period of a thunder gust.

OVERFLOWS.

How often is a visiter, on his coming to the margin of one of these water courses, (whose general appearance is that of a sandy or friable clay,) astonished in feeling it necessary to dismount from his horse, in order to save his own neck and also to allow the animal to ascend the opposite bank. Upon which bank he either finds a level prairie, or a skirt of timber: if timber—by his looking up the trees he sees the marks of an overflow, it may be at such a distance from the ground as to excite his unqualified surprise. He then surveys the length of the course, and finds it upon common principles impossible for the water to fill its bed—besides spreading to such an immense extent on every side, as it must do, before it arises thus high.

But owing to *two* causes the thing is obvious. In the *first* place, the land above the champaign country, is broken into rolling prairies and woody knolls, undulated like the waves of the ocean; rising into loftiness according to their distance from a large water course, and receding into the most beautiful and enchanting valleys, along each side of a river: no matter how narrow, or broad that river may be, (although few deserve the last appellation,) its banks will be steep and in general its waters rather shallow. So that the surface of the adjacent ground soon throws off the rain which falls upon it, and that too in a very short time, after having added to the friableness and prolificacy of the plain, by the moistening sediment which it brings along with it when rising, and overwhelming the low lands, with a sluggish, and consequently undetrimental current; but upon an equal ratio deepening the centre of every course, especially on the high lands, until they are in appearance the beds of large rivers indeed!

In the *second* place, on account of the vicinity of the mountains, which by their metallic composition, arrest the southern clouds as they roll in their course, until they thicken up and appear as one terrific mass of threatening destruction; awfully sublime; when the thunders roar, and the lightnings glare! Then does the north, instead of the south wind, blow; and the rain, which I believe is no where more violent while it lasts than in the open high lands of Texas, fall in such a rapid and apparently universal sheet, as to give one at the time an idea (not an imperfect one neither,) of a second deluge. This appearance is afterwards the more perfect by reason of the little difference there is between the surface of the Gulf stream and that of the adjacent country; which retards the motion of the water until it rises to a height, beyond the credibility of the uninitiated spectator.

But let it be remembered, that these swells are but of short continuance, and are far less destructive to the people's property in general, than a stranger is apt to imagine, as they proceed altogether from a not very frequent, and transitory cause. The cause ceasing, so must the effect; until one searches in vain for water upon the general face of the same ground that was thus overflowed, unless indeed he looks (contrary to the common custom in the north) up the creek, instead of down. In that case he will be apt to find a small native spring, as it were hid under the brow of a bank, or by the side of the first rolling prairie from whence the hollow run takes its rise.

The springs of the country are not so numerous as yet—I say as yet, because the settlers are finding out new ones every day; neither is the water which issues from them as plentiful as could be expected and desired; from the coolness and boldness of some of them, at their issuing point; owing to the extreme dryness of the soil in general, over which the waters pour; too frequently, especially in the upper parts of the province, swallowing up their contents, to the severe disappointment of both man and beast, during the dry season.

THE DRY SEASON.

This season in general, sets in about the last of April, and continues to about the first of September. When this is the case, its severity is often mollified, by refreshing showers, which have frequently a singularity attached to them, that I have never observed in any other country, during what is called a drouthy spell; and for which there is only one way of accounting. I allude to the attractive power of the water courses and their accompanying woods, in drawing down those clouds, which are brought by the south winds from the Gulf, to the prejudice of the prairie lands. During this time of partial refreshings, a man may travel for months, through the whole country of open prairie—see the rains falling, shower after shower around him—and yet by carefulness in timing his movements, never get wet. But let him beware of the other two thirds of the year, especially if he would pass through the lower section of the state; for he will not only find it wet, but miry to a fault, particularly in the early spring; when through excessive rains, the agriculturist is often retarded in his early preparations for a crop, as well as a partial stop being put to that safe and expeditious communication which is so desirable and necessary in a community.

LAKES, &c.

In addition to the water courses already mentioned, there are in Texas several fresh water lakes, some swamps and many ponds. The fresh water swamps are to be found in the greatest profusion, east of Galveston; the ponds between the Trinidad and the Brazos; and the lakes west of the Brazos. The principal lake is east of the Cane, in the midst of a prairie, almost ten miles long, and from one to three miles wide—nearly destitute of timber, presenting to full view, a beautiful sheet of water, abounding with the finest fish and fowls; and is frequently resorted to by the inhabitants for many miles around.

FISH, &c.

From the smallest pure lime-stone pond, in the mountainous parts of Texas, down to its largest mud swamp, are fish in abundance, almost of every variety to be found in North America; a few kinds of which I have particularly observed, such as the Perch, the Trout, the Pike, the Cat-fish, the Carp, the Chub, the Pout, and the Buffalo; besides those to be found in its salt waters, such as the Cat, the Sturgeon, the Mullet, the Sheepshead, and a species of Trout, with the Red-fish, which are so numerous in Galveston Bay as to give name to its northern bar. These fish are excellent in quality, and quite large, some of them weighing from ten to fifty pounds.

In addition to all these, there are Shrimps, Crabs, Turtles hard and soft shell, and Oysters. Of the last, those of Matagorda Bay, for quantity, goodness and flavor, are excelled by none to be found in the Mexican Gulf: such beds too, as line both sides of the peninsula, which stretches from the main land, between the northwest head of the Bay, and the mouth of Canebrake river, thirty miles in length, and from half a mile to five miles in breadth, are not often to be met with on the coast of America!

It may well be supposed, that where such a variety of fish abounds, there also will their enemies by land and water be gathered together. The most formidable of such are the Alligators, which are unfortunately numerous in the Bays and their neighboring streams, and are to be found sometimes enormously large. Then there is the Alligator Gar, a singular animal, in form half fish, and half alligator. It is a worthless fish, with a snout of immense length, and is sometimes caught in the rivers and ponds—but seldom eaten. Then there is the Water Moccason, a disgusting animal of the snake species, of more dangerous qualities than the rattlesnake; as the one in the bush, is a generous, although a poisonous enemy; and the other in the fen, is equally poisonous, without one spark of generosity in his composition.

WATER FOWL.

Of the fowls which make fish their prey, and the water their haunts, there are immense flocks, especially in the winter; and more particularly in and around Galveston Bay, which is kept literally alive with their noise and motion; and the eggs of such fowls are found in great quantities upon the shores of the islands, bays, and harbors, as well as upon the margin of swamps, marshes and lakes. To designate those fowls by kind or name, which the mildness of the weather and the quantity of marine food bring together in Texas, would be rather a difficult task. I shall content myself with a few of the most prominent; such as, the Pelican, the Crane, the Goose, the Brandt, the Duck, the Curlew, the Swan, the Loon, the Teal, the Cormorant, the Stork, the Snipe, the King-fisher, the Water-hen, the Fish-hawk, and the Eagle. The Pelicans resort in such numbers to an island in Galveston, as to give it their name; and the cranes cover the marshes; their young are wholly white, of spotless brightness, and when in a sitting posture, are extremely graceful.

CONCLUSION.

We may with safety say—that there is *as much* water ascends from the bowels of the earth, and descends from the clouds of heaven, in the province of Texas, throughout the year (though it may be, not with the same regularity, and to the same beneficial effect,) as generally does in *any* other country, of a more northern latitude.

As we move on southwardly to the equator, the tendency to the regular division of wet and dry seasons increases, until there is no other distinction made, except that the dry is the longest.

BOOK IV.

TIMBER LANDS.

PRAIRIE.

There is not that quantity of wood to the extent of country, which is generally to be found in the northern United States; but is one tenth of the timber, which is cut down by the farmers of the North, made use of for useful purposes? And, *if* they had their choice of as good land, without the trouble of clearing it, would they not prefer it, providing they had a sufficiency of wood for their domestic consumption? Which is the case in Texas as a whole, in nine selections, made as yet, out of ten! as there are but few land holders who have not more or less of what are called timbered bottoms, and what are commonly termed post-oak ridges in their selections; although these selections have been particularly made with an eye to the value of their prairies, which are but seldom inferior to the timbered alluvions, for all the purposes of planting and farming: So far from it, that many persons who cultivate this kind of land, prefer it in the long run to the alluvial bottoms; maintaining that the sandy, deep black mould prairie, when properly cultivated and sufficiently mellowed, will yield crops nearly equal to the best alluvions; and that the labor, expense, and time required, to clear twenty acres of timbered bottom lands, and prepare it for cultivation, would be sufficient to prepare sixty acres of prairie; and that, supposing both kinds to be equally prepared, a hand can cultivate two-thirds more of the latter, than of the former. So that, taking all things into account, the cultivation of the prairie land requires less capital in the outset, and is more profitable in the end, than the cultivation of the bottoms.

WOOD LANDS.

Nature has distributed her favors, as regards wood and land to the Texasians, in a peculiar manner; giving them wood in abundance, east of the river Trinidad, where they have so much poor land, and no little wet prairie. Between the Trinidad and the Brazos, the scales are nearly equal, as to the value of their prairie lands, their woods, and their wood lands. The southern division of that which lies between the Brazos and the Colorado, where it is overstocked with timber, is of a stiff clay lime soil, rather disagreeable to work; but its northern division, if it has an over proportion of prairie lands, is equally rich, and more agreeable to the hands of the cultivator. While that which lies between the Colorado and the Gaudalupe, may be equally divided into pasture lands, and arable prairie with rich timbered bottoms. West of the Gaudalupe, if they are somewhat deficient in wood, they have no scarcity of good arable land; with a superabundance of the finest pasture lands in the world.

Now the stock raisers and the prairie cultivators, can at all times be supplied, as they have heretofore been, with building materials from the steam saw mills of San Jacinto, Chocolate, and Buffalo Bayous, &c. &c.; besides from those hydraulic mills which are, and still could be placed on those rivers, in whose vicinity so much valuable timber of every kind, from the finest of cedar to the coarsest of pine, abounds.

There are but few trees to be found on the continent of America, which are not to be met with in the province of Texas, from the scrubby Jack-oak of the mountains, to the venerable and majestic Live-oak of the plain, which is often to be seen in the bottom prairies, of an enormous size; one of which I saw near Bolivar, sixteen feet in circumference, keeping this size more than thirty feet from the ground, before it spreads out its enormous branches. Larger trees than this, however, are not uncommon; some of them measuring even twenty-one feet in circumference. What would such trees be worth in the dock-yards of the United States, to say nothing of England?

The trees of larger growth are sometimes covered with Spanish moss, as on the shores of the Mississippi; but these bearded nondescripts are not so frequent as to give that sensation of gloomy sickness to the country, which is so often to be felt on viewing the bearded cypress of the Louisiana bottoms. No, another kind of feeling will take possession of the stranger's bosom, who stands on an open level prairie in a misty morning, viewing at a distance, what appears to him then as a mass of vegetation, the greater part of which appears dead, and dry, and pendant in streamers from numerous points, ready to be waved by the wind whenever it should blow; the form ill defined, but the solid parts by which this loose drapery must be supported concealed, though here and there large and gnarled branches and tufts of deep verdure are perceptible, through an almost unbroken veil of white and matted moss. After admiring for some time this singular phenomenon, let him approach a little nearer, and he will perceive that ~~this~~ singular appearance is caused, by a full grown tree of considerable age, with trunk and boughs which seem as firm as iron, and laden with luxuriant foliage of a peculiar depth and darkness; overspread with lichens, hanging in bunches from the extremity of every branch and twig, and concealing almost entirely the form, frame-work, and dark verdure beneath. When the light falls upon it strongly, the whiteness of the moss, contrasted with the dark hue of the leaves, makes it seem almost as pure as a hill of snow—and offers a striking resemblance to the hoary head of a venerable old patriarch. How much more gratified will he feel, when he is informed that this noble tree is a live-oak, and that this product of the forest, and in Texas of the prairie also, is proverbial for the strength and durability of its timber, and for its usefulness in the construction of ships; generally distinguishable from a distance by being more fully arrayed than any other trees in this singular drapery; and whose trunks and branches are in general well shaped for strength and durability, wherever they have been found to grow in the province.

TREES AND SHRUBS.

In some places, especially in the north-central part of Texas, there is a peculiarity which I have never observed elsewhere; that of the most valuable and particular kinds of wood growing as it were in beds, or lines, almost distinctly apart from one another: so that one man's lands may have a very different species of timber on it, from that of another. Of course the respective proprietors may obviate any inconveniences resulting from this singular distribution, by mutual exchanges, without incurring any other expense than that of transportation.

No man need go as yet beyond the bounds of Texas, for any kind of timber which he may see meet to use in it, for purposes of utility; as there are, in addition to those four kinds already spoken of, the White-Oak, the Red-Oak, the Hickory, the Walnut, the Ash, the Elm, the Cypress, the Linden, the Hemlock, the Yellow Pine, the Spruce Pine, the Locust, the Muskit, the Cotton-wood, the Wild Cherry, the Pecan, the Sycamore, the Hackberry, the Mulberry, and the Button wood; besides many other kinds which might be mentioned in this work, by one who has seen and proved the matter in all its bearings; taking not only the names of the trees as he found them, but of the shrubs, whenever he saw any which he could designate; as the Laurel, the Sumac, the Juniper, the Sassafras, the Willow, the Large Elder, the Dwarf Elder, the Poisonous Elder, the Shrub Oak, the Winter-green, the Witch Hazel, the Myrtle Wax-tree, the Wild Plum, the Prickly Ash, the Shin-wood, the Spoon-wood, the Moose-wood, the Fever-bush, the Sweet Fern, the Raspberry, the Whortleberry, the Blackberry, the Cranberry, and the Choakberry.

The undergrowth of the best lands in Texas, is Cane, to be met with in abundance on the west bank of the Sabine, although the reeds are small, and the land on which they grow is apt to overflow. On every river more or less, in the country, this species of cane is apt to grow, sometimes covering a great extent of river bottom; which, in conjunction with the river bottom Rye, creates a never failing winter pasture. But the main cane-brakes of the province are between the Brazos and the Colorado, on what is termed Cany creek, or Bayou—which *never* overflows, and where the cane-brakes are from four to twelve miles in breadth, with but few trees to be seen among them through the whole length of this creek—seventy miles. These canes, or reeds, are known in the Northern States as fishing rods, where they often sell at a high price.

To pass through one of these cane-brakes, or properly speaking Angle-rod Brakes, by one of those narrow paths commenced while they were young, and which is kept open through the year, by the frequent passing and repassing of men and horses, is a novelty seldom to be met with in any country, but that of the lower Texas. Consider yourself entering one of these singular avenues, arched overhead, and with the view of the sky shut out, for the space of a mile or so, with an impenetrable wall of reeds on each side of you, to the height of twenty feet or more; and these reeds so slender, that, having no support directly over the path, they must droop a little inward, and so meet and intermingle their tops as to form a complete evergreen bower. The sight of a large tract, covered with so rank a growth, of an annual plant, which rises to such a height, decays and is renewed every twelvemonth, affords a striking impression of the fertility of the soil.

The next best undergrowth, indicative of good land, is the Laurel—to be found in almost every river bottom, but particularly on the Brazos, where it would not be too much to say, that thirty miles on the coast, by sixty inland, was covered with this production; the leaves of which taste like the kernel of the peach stone, containing an extraordinary quantity of prussic acid. The leaves resemble those of the peach tree; hence it is called by the colonists, 'wild peach.' This tree is an evergreen, and grows to the height of twenty or thirty feet—though its usual height does not exceed ten feet.

If the cane and the peach are a true signal, to the planters of the Cotton and the Sugar cane—so sure is the sign of the Muskit tree, to the herdsman and the shepherd.

This tree is to be found throughout the whole of the gentle sloping prairies of the province, but in greatest abundance west of Guadalupe, where there are but few kinds of trees to be met with. It is a species of locust—its size about that of a peach tree, which, when viewed at a distance, it very much resembles in appearance. The leaves are similar to those of the honey locust, but much smaller. It bears a pod about the size and shape of the common snap-bean, quite sweet to the taste, and when dry, is used by the Indians, in time of scarcity, for food. It is also highly valued by the Mexicans, who maintain, 'that for purposes of fattening cattle and hogs, it is equal to maize.' This tree is good, on account of its hardness and durability, for several kinds of husbandry articles, as well as for making the best rail posts in the country—continuing under ground an ordinary life time, free from rot.

The pasture grass, wherever this tree grows, is confessed to be superior to any other in the province; especially in the winter season, as it is always green—bearing a strong resemblance to the blue grass, so common in the United States—and furnishes the most nutritious pasturage, retaining its nutritive qualities even after it has become dry and apparently dead. The Muskit tree (pronounced Muskeet) gives name to this kind of grass.

Where the land is but of recent formation, the growth is of willow and cotton wood, with occasional young sycamores; but this is not very frequently to be found, as there are not many cut-offs made by the rivers of this country, and the flat lands of the salt water shores, are too brinish for their nutriment. The red cedar is found in many places, although in small bodies, or groves, particularly on the uplands between rivers, where it is of superior value for the purposes of the farmer. As house logs or rails, it is considered sufficiently durable, throughout all weathers, for the space of thirty years!

The post-oak and jack-oak are considered in Texas as every man's property, except in a very few cases indeed, as the lands whereon they generally are to be found, are of a high, dry, and light sandy nature—which, when perfectly saturated in a rainy season, are dangerous to be crossed by either horse or wagon. This land, being most commonly found on those intermediate spaces which separate rivers or their branches, is therefore but seldom included in the surveys of the citizens' selections; and never will be, except where it is of a superior nature, or well watered with springs. This kind of oak is seldom to be found of a large growth; however, the farmers often get it measuring two rail cuts in length, the only use to which they have put it to as yet, although it is a wood the most durable of any in the country—susceptible of being formed into many useful articles: but it is destined by its situation and quantity, to be the only firewood of the Texasians, for many—many years to come.

The fir tree and the pine, next to the scrub-oaks of the province, may also by the citizens be considered one of their inexhaustible treasures. This wood for size, tallness, and straightness of stem, is a striking contrast to the oaks of the same soil, which divide the elevated prairies of the upper country, and which cover the abrupt sides and extreme tops of its mountainous district; nowhere to be imitated in Texas, except in the rolling parts of the country east of the Trinidad, and on the gradual swells of moderate elevation around Harrisburg, where it is to be found in such profusion as to supply all Texas with lumber for ages to come. Some of these pine trees measure three feet in circumference fifty feet from the butt. If the people of the southeast are so conveniently supplied with soft porous plank, those of the northwest are equally so with the hard, close-grained boards of the black-walnut—produced more abundantly on the upper waters of the Gaudalupe, than any other kind of wood to be found in the river bottoms: many of these trees of such a size too, as to contend strongly with the live-oak, for the ascendency. I once saw one of these walnut trees brought to the water-power saw and grist mill, of the Mill settlement above Gonzales, out of which they had three square cuts, of fifteen feet each in length, and whose breadth ranged from four feet in the first cut, to three feet in the last. Let the exchange or barter of timber be the order of the day, and no citizen of Texas need complain of his country's nudity.

BUILDING MATERIALS.

Providing timber should ever become scarce for the purposes of building—can not and will not the householders, as soon as abilities will allow, erect brick houses, as they have already in many places commenced doing; and instead of covering them with shingles, provide them with tile roofs? which buildings, on account of their superior advantages, *must* supersede the frames—as certainly as the frame houses are now in many places succeeding the log cabins.

In addition to that resource, freestone, granite, quartz, limestone, and other rocks, are common in all the upper sections of the country, so that wherever the brick soil, and lumber should fail, there would be no deficiency in building materials, not only for houses, but fences of every description; and more too, than could be made use of within the distance they could be conveyed—counting at the same ratio of expense, by even calculating on their durability above that of brick, as a hundred to one; and to that of wood seven hundred fold!

Nay farther, when steam machineries shall be set up, even where there is no wood, bituminous coal of the finest quality, can be had in such quantities, as may be considered inexhaustible; not only on the high banks of the Colorado, which may be looked upon as the center of the province, but in many other places.

Moreover, why should there be any lack of timber, when by planting it as they do in Europe, and preserving it afterwards from the annual prairie fires (which have heretofore been the principal cause of that deficiency which we now lament,) it would grow with such rapidity, as would, in a shorter space of time than is generally imagined, be sufficient to answer every useful demand.

Besides, there are some peculiar kinds of trees, indigenous to the soil and climate—such as for instance the wild China, to say nothing of the Peach already described—that have been tried, and will be found very beneficial as hedges, particularly in the level overflowing lands, where they will be in the course of time generally adopted.

They may be planted in single rows, with a proper space between them, so as to admit slab rails, which can be inserted into the body of the tree, as soon as it is from eighteen to twenty inches in circumference; and that size it will most commonly be, at the end of the third year, even from the seed.

What is much more saving of timber still, place your plants only two feet or so apart, within the protection of a rail fence, or any other; and top them occasionally, after they are three years of age. It will be found in three years more by so doing, that they are superior to any thing of the fence kind, ever made use of in any other country; as they are of such a plastic nature, as will in this case unite and join with one another in such a close embrace, as to bid equal defiance, (without any protecting support whatsoever,) to the strength of the furious bull—and to the insinuation of the suckling pig!

Which way these improvements will take place, or when the period will arrive wherein they will become generally needed, by being absolutely necessary, is uncertain: one thing we know, that there are but few landholders as yet, comparatively speaking, who will be under the necessity of having recourse to them soon.

FRUITS, &c.

It has been frequently tried, therefore sufficiently proved, that the climate is as congenial for the planting and rearing of one kind of trees as another; and every sort of fruit seeds adapted to the temperate zone, have been found to want only that persevering industry, and particular attention, which is necessary to be given in all countries—to grow and bear, perhaps as well as those of the same kind in any part of the southern United States, the Floridas not excepted! And why not? When such wild and unnurtured trees as the following bring their fruits to such perfection, as is seldom to be found in any country of the same latitude. There is the Vine, but more of that hereafter—the Mulberry, the Crab Apple, the Plum, the Cherry, the Sweet Gum, the Peach, the Butter-nut, the Walnut, the Hazel-nut, the Beech-nut, the

Pecan-nut, the Chesnut and the Hickory-nut; besides the figs of the Fig-tree in perfection, with many others so congenial to the climate. And by that desire so ardently manifested by the inhabitants of the province for orchards, they will be enabled to enjoy at least in full perfection that delicious production the Peach, so highly prized by the American farmer. At the same time the produce of the kitchen garden, will come more generally into requeet, as the people become more established in their possessions. And one thing may be depended upon, if there is but *half* a chance for rain, during the summer solstice; every kind of vegetable will come to perfection, equal to any production of the same nature, ordinarily produced in the state of Louisiana—musk and water-melons, which really deserve in Texas to be noticed especially, not excepted.

Furthermore, all the countries I have ever seen for producing the grape-vine, Texas excels. The variety of kinds, and the quality of these kinds, are by far the most numerous, and best I have ever tasted. These native grapes are found growing luxuriantly in all quarters, while those of Arkansas and Louisiana, owing to the greater humidity of the atmosphere in those regions, are comparatively acrid, and liable to untimely blights. What then will these grapes of exquisite flavor in the province be, when cultivated by the hands of man? as surely no country is better adapted for the culture of the vine than this, where the poorest description of its lands is so admirably suited for vineyards!

There cannot be the least doubt, that the day is not far distant, when there will be vineyards in the province of Texas, equal to any in Switzerland, France or Italy, for the superior quality of their wines and fruits; producing thousands of gallons of that most charming beverage, made with so little trouble as to be a profitable concern to the raiser, even by disposing of it on the most moderate terms.

Indeed it will be as easily attainable by the inhabitants, and almost as cheap as the article of honey—which is at present, and will continue to be collected by the busy bee, from myriads of flowers, and by them deposited in the bosom of every hollow tree; so that cutting down, (for there is very little searching required,) is all that is wanting, in order to procure that delicate and luscious repast! The wax thus obtained, is not only valuable to the farmer, by hardening his beeve tallow candles—but as an article of commerce it commands a high price. It often happens, therefore, that the bee hunters, at a distance from habitations, will throw away the honey and save only the wax.

In addition to all these rewards of industry, through the instrumentality of wood, there is another which has of late years drawn the attention of not a few of our American agriculturists; to wit: the culture of the Mulberry, a tree to be found very plentiful in Texas. But as of late publications have been numerously circulated, on the methods to be pursued in the rearing of the silk-worm, I shall forbear saying any thing on the subject; except that such a pursuit rightly entered into, would be worth the attention of a Texasian, perhaps as much as any other branch of business he could turn his family's industry to.

Pecan gathering, is and will continue, as long as people continue to live in sea-coast cities, a source of no ordinary emolument to the Texas farmer—if not every year, at least every second year, as they fall then from the trees by handfuls, and are in general of a very superior quality indeed. These command a constant market, not only in sea-ports of the eastern and western coasts, but in those of Europe also; producing at an average to the first collector, from one to two dollars per bushel. So numerous are the native Pecan-trees, in the upper parts of the country, that it requires nothing but their preservation to insure a continual emolument; independent of those the farmers plant around their dwellings, as one of the few ornaments which they could adopt, combining both pleasure and profit. It requires no uncommon exertion, for a family consisting of half a dozen children, say from the age of six years and upwards, to provide themselves during the space of six weeks in the fall, with a hundred and fifty bushels of that pleasant and valuable fruit; to say nothing of the walnuts, and the other marketable nuts of every kind, already spoken of.

Upon a review of the whole matter, we have found as abundance of useful timber—no little of the profitable, and much of the ornamental.

And what still adds to the variety of a Texian landscape, and to the beauty of its scenery—there stands a Chinque-pin tree with its load—here a Persimmon tree with its branches covered—and yonder is a Haw-thorn tree, with its cargo of golden fruit. But why should I enlarge by enumeration? To preserve, plant, and enjoy, not only the trees of the forest, but the glade, can be as easily, profitably, and profusely done in Texas, as in any other country north of the Cancerian tropic!

WILD ANIMALS.

It will be well also, for the emigrant to remember, that the animals once so numerous throughout the woods and prairies of Texas, are either pretty much destroyed, or retreating to the upper region of the country, from whence they are fast taking their final leave. The buffalo is but seldom seen below the mountain. The mustang, or wild horse, has almost deserted the lower prairies. The deer, though still common, are vanishing under the rifle of the white man and the red; and when we take into consideration, the number of enemies this timid, and, when young, helpless animal has to contend with, we are only astonished to see so many remaining. A few wild, or Mexican hogs, may yet occasionally be seen among the mountains: they are an animal of little value. Bears are frequently met with, at a distance from settlements. Wolves and foxes also are troublesome in many places; the former devour pigs as well as sheep, and by their numbers are still very annoying to the inhabitants. Wild cats are also numerous—and the tiger or Mexican cougar, will sometimes be found in the mountainous districts, although but seldom to be caught napping; but the panther a species of the tiger, and the spotted leopard, are not so very shy; particularly the panther, who will often take up his abode in some den or thicket, adjacent to the pig-sty of the farmer, until he is found out and destroyed. The rabbits and squirrels seem to have found, besides their enemies on land, a mortal enemy in the myriads of hawks, which they have to encounter with in this country. The opossum and the raccoon, are still somewhat troublesome to the good wife of the house, who prides herself in the goodly number of her geese, turkies, and chickens. The inferior animals of the country, are neither very numerous nor troublesome, although occasionally one may stumble on a mole or a dormouse, or perhaps at times see a skunk, a weasel, or a mink. As for rats, bats, and mice, they are common annoyances, not worth mentioning in any country, far less in this, which has been so recently inhabited.

The reader will observe by what has been said, that hawks are plentiful in the country; so are buzzards and owls. The hawks are forked or shallow tailed, unlike those of the North. The raven, and that cosmopolite—the crow, have found their way to Texas; so have the red-bird, the black-bird, and different species of the jay and woodpecker; also a few flocks of the green paroquet, whose scream is any thing but pleasant. The king-bird is the same valorous little fellow here, as in the North; the martin is as social, talkative, and noisy; and the swallow cleaves the air as gracefully here as there. Among the birds fit for food, are the wild turky, (commonly found in the woods, and near the edges of the prairies) the turtle-dove, the prairie-hen, the partridge and the quail; the two last are however thinned off by the enemy of the poor squirrel. Among the songsters are the thrush, the mocking-bird, the whippoorwill, and the nightingale. The notes of the last appear not to be so melodious, nor his strain so full as the same bird's at the north. The cultivated field, and not the forest, is the haunt for singing birds, which, in time no doubt, will follow other emigrants to the country. Here also may be seen the confiding robin, the tidy wren, and the delicate humming bird, gracefully extracting his nourishment from the juicy flower—transporting instantly the beholder's thoughts, from nature's beautiful works, to nature's God!

In passing from that which adorns the landscape, and enlivens the forest, we are bound in good faith to notice also, their pest and their bane, which things shall be inquired into more particularly, in our treatise on the

Climate — sufficing ourselves in the mean time with a reference to the most prominent. Such is the rattle-snake, fortunately not often to be met with in Texas; but the deficiency is amply supplied, by the long black snake and the striped or garter snake, which are the never failing pests of the barn-yard and the chicken roost; and the wall or house adder is eternally to be found wherever a log building stands. Occasionally, but not so frequently as in the fields and woods of the North, one will meet with a hissing snake, or a green-snake — a speckled snake, or a thorntailed snake; and at times, with that beautiful, small, harmless creature, the ring-snake.

BOOK V.

CLIMATE.

CAUSES OF DISEASE.

ADVENTURERS in search of a second paradise have been disappointed in Texas! True it is, this fancied El Dorado of theirs claims no exemption from the prejudicial operation of causes which must in some degree be found in every new country, on its first settling with civilized inhabitants; such as umbrageous woods and rotting timber, supported in autumn by decaying vegetable substances, creating effluvia, deleterious to the human system; too often assisted in the province of Texas, by the sudden overflows, particularly those which take place in the spring months, leaving a sediment (in lieu of the undrained fresh-water marshes and stagnated ponds of other countries,) which if acted upon by a warm sun and a dry atmosphere, seldom fails to assist the above mentioned causes, in their disagreeable operations. Which causes, when combined with that change the corporeal frame has to undergo, immediately after the removal from one country to another, more especially if it should be from a northern to a southern latitude, must often prove fatal! We therefore need not be surprised that those colonies, particularly the low grounds adjacent to the gulf coast, should be felt as unhealthy by the first settlers, and consequently reported as such by the transient visiter.

But I venture to predict, that facts shall prove otherwise, in a shorter period of time than is commonly imagined, let but that spirit of improvement which now predominates, be backed with the means of carrying it on, and society be organized into moral habits of industry, cleanliness, temperance, and order: the *contrary* of which has been in time past, and still is cutting down and carrying off its hundreds and its thousands of those, who in order to exculpate themselves, have laid the whole blame upon the climate; whereas, it only seconded their own blind and infatuated conduct.

I say, let the contrary of such be the case, then see whether there will be any more occasion for complaints in these colonies, than there is now in many parts of the northern United States, which were once considered as inimical to animal life, as they are now proved to be healthy and exhilarating. Can any climate, however good it may be, wholly counteract laziness, disorganization, and intemperance? No! Neither can the inhabitants in general (I say *in general*, because there are many exceptions, and some of them leading characters too,) have their due influence on society, although that society is as yet in no little degree infected by those evils. And why it is so, I think I can make obvious to every inquiring mind.

INDOLENCE.

The people *en masse* can have a living, and that plentifully too, of animal food, both of beef and pork, of venison and bear meat, besides a variety of fish and fowl, upon easier terms at present, especially the wild game, than any other people, in any other district of North America; which must continue to be the case, for one of the best reasons in the world—at least in Texas: as the wild animals decrease, the domesticated ones will increase!

And, as they have not commenced, except in a few cases (comparatively speaking) upon the border lands of the Gulf, to export corn, they have by just dropping the seed and afterwards stowing away the increase, more bread stuff than they well know sometimes what to do with, it being out of the question to feed their hogs on it, except they were to raise them on such food altogether, which would be a pity, while they have so much mast in the woods, and so many roots in the prairies.

And, as their milch cattle increase in numbers, and that very frequently too faster than they can attend to their milking, they have more, as to family use, much more milk, than they know how to dispose of, except they are well stocked with farrow sows, or have around them pet mustang colts.

With these three main stays of a farmer's life, come, by very little more exertion than just the picking and gathering in, those condiments and relishes, which not only garnish the table, but replenish the appetite, from a source of such plentiful variegation, as the gardens and the fields, the woods and the waters, of a Texas country!

Is it a wonder then, that the men (for no woman can, if she would, be lazy in a new country,) are indolent, who can provide life's necessaries for their families so handily? especially those who live on those districts of the country which are aback of the older settled ones, not only as to place and convenience, but as a natural consequence, to enterprising men of capital. 'Show me a lazy man—and I will show you a dirty one,' is an old adage! And is it an improper one? No indeed! For filthiness ranks among the malignants. 'I am well enough,' says one, 'for my neighbor is no better; and, what does it signify in this new country how I dress? a leather hunting shirt, and a pair of buckskin breeches, are good enough for the mud and briers: besides, I believe I'll just go and hunt a little to-day, which will make me dirty enough before I return, I warrant you.' Now, if the wife of such a man does not contrive once a week, or so, to make an excuse about the linens—alias cottons, alias dressed skins, being too hard to wash when they are soiled so long; alarming the man's fears by adding, 'that she will absolutely have to beetle them to pieces, before they can be made fit to go on again;' he would scarcely shift himself from one week's end to another; as they have no church meetings as yet to go to, (which I hope will not long be the case,) where the two sexes can display their taste and finery, as they can who live in an old settled country; and where (Alas! it is too often the main object of bringing them out,) the wives are very fond of showing to others how tidy they keep their husbands, and the husbands to prove how liberally they supply their wives; and both together to compare their pretty children, with those of their neighbors.

However, there is a little more neatness shown by the young, whose thoughts are occupied upon matrimony; yea even by the bachelors, (commonly the most careless of any,) providing they have their minds still turned to that paragon of earthly felicity, although experience too often teaches the contrary; and that it requires as much care in a married couple, especially on the woman's side of the question, to preserve one another's love after marriage, as it did for them to gain it at first.

INTEMPERANCE.

Again, it is a theological maxim, that 'The person who is not engaged in doing good, *must*,' as the immortal mind can never rest, 'be doing evil!' A maxim verified to the fullest extent in every country, where the people can procure the necessary means of life upon easy terms. And, as there can be no country north of the equator superior in that respect to Texas, and as their rational enjoyments are but few, and these few very limited, of course they are unavoidably subjected to a continual sameness, alike (for want of established mails,) destitute of literary amusements and religious excitement. They cannot therefore wile away the time more pleasantly, as they very erroneously imagine, than in meeting their fellow citizens in some one of those petty stores, which should rather, if they had their right cognomen, be termed grog shops! which shops are sure to be found in every new country; and which have been, and still are too much so, the very center of attraction, for both young and old of the Texasians; as every thing like public business, except in their courts of justice, must begin and end there!!

Now it is, unfortunately for mankind, a fact, sometimes awfully established, that although one at *first* has determined within himself, not to be contaminated, yet it is as impossible for him to go there and be otherwise, as it is for him to avoid seeing and hearing when his eyes and ears are open. For 'd—— me!' cries one, (observe, a horrid draught, to be palatable, *must* have a corresponding expression,) 'if you do not drink with me, I shall be mad!' 'Taste with me,' vociferates another, 'or by G— you are no friend of mine!!' So to keep them in as good humor as possible, seeing they would as soon abuse their best friend as not, (as reason at this time in them, so to speak, is unreasonable,) he tastes a little for friendship now; and a little then for sociality; by and by, a little more through exhilarated feelings; which feelings expand his self-aggrandizing ideas, untie the strings of his then imagined heavy purse, so that he becomes one of the greatest of the falsely great; and ends by returning treat for treat, with his too jolly neighbors. From such beginnings the *once* sober man learns by degrees to love that liquid which he formerly so utterly abhorred and despised; and according as his vitiated love grows, so it leads him gradually along, from one folly to a greater, from vice to crime, and from crime to ruin!!!

While the Snake of the Still is thus charming his devoted victims, 'O! what a wretched country!' exclaims such an inhabitant; 'I never have had a well day in it.' And, 'O! what a *sickly climate!*' cries the casual visiter; 'look, how pale the people are.' And O! O!! say I, the faces of the men are made pale by the dying struggles of liquid fire; the women's faces are made pale by sorrow and hard labor; and the children are pale through improper indulgence and careless keeping.

Nevertheless, as I said before, there are other causes for sickness in the province of Texas; but *all* these causes when combined, are not half so deadly and destructive in their effects, as those causes which are created by the people themselves. Therefore rest satisfied, ye men of steady habits, that the climate will at all times bear a comparison, with a considerable balance in its favor, against that of Louisiana or Mississippi!

SALUBRITY.

In Texas, from river to river, we have an open ascending country, wherein a swamp or putrid pond is not to be found; with clear sea breezes, as invigorating to the frame, as they are refreshing to the spirits. In Louisiana and Mississippi, from river to river, we have compact woods and a level country, wherein are to be found many a large swamp and stagnant pool, creating a miasmatic matter, not only disagreeable to the feelings, but deadly in its effects. While, therefore, the south midsummer air of these states is encumbered with moisture and surcharged with noxious miasma, bringing sickness and death, the pure atmosphere of Texas is renewed and refreshed by lively breezes, rolling over its dry, verdant, and waving surface, imparting health and vigor to all that inhale them.

From March to October but little rain falls, in comparison with the most of countries; therefore the power of the sun upon the surface of the land is such, as to exhale that little promptly. The face of the open country is accordingly dry in summer, and the continual action of the sun upon the surface so extensively open and dry, causes a constant indraught of air from the sea.

However, I must acknowledge that the climate of Texas has a more general tendency than that of Louisiana, to propagate its soft and luscious qualities, to the serious injury of its inhabitants; imparting a languidness to the body, and a listlessness to the mind, during the warm season of the year, which if indulged is sure to increase that southern mania, an indolent disposition.

And were it not for that peculiarity which is attached to the country—an almost unvariable south by west wind, which blows strongly, and as one might say constantly throughout the summer months, I have no doubt but the heat would sometimes be unbearable, even by those who are the most inured to the climate: which climate I have experienced, until its changes can be defined into the following general results.

CHANGES OF CLIMATE.

From the first of April, to the last of September, the fresh breezes commence early after sunrise, and continue till 3 or 4 o'clock in the afternoon, when they subside. The intolerable heat which follows, and continues until sun-set, shows how much these breezes contribute both to health and spirits; for the last certainly flag at once when the wind dies away, into such a state of depression, as can be more easily felt than described. Shortly after sun-down a slight breeze rises, and the atmosphere cools gradually until midnight, then rapidly until morning, so much so, that a person in bed, feels a woolen covering comfortable!

By thermometer calculations, made throughout this period, during *three* years, and in several places of the country, the mercury has been found to range from 63° to 103°. Average heat, 9 o'clock, morning, 73°—12 o'clock, noon, 83°—3 o'clock, evening, 77°.

Although the winds are so steady and powerful, as to give rise to the appropriate saying, 'One man can saddle his horse in the States, but it takes two to do it in Texas;' still they are a blessing, gratefully felt by the inhabitants, and much admired by every stranger. Yet I have no hesitation in asserting, that those very winds which sweep so freely across the many unobstructing prairies, are the cause of no little sickness; as many when in a state of perspiration, will incautiously throw themselves into a state of inactivity, where a draft of air can operate upon them with full force; the consequence must unavoidably be, either a severe cold, or an ague chill.

And if the wind should, as it sometimes does, come from the east by south, then happy may they be who are at this time imprudent, if they should escape with their lives; for, instead of the air being impregnated with the clear blue waters of the ocean, it is filled with the deleterious exhalations arising from the Mississippi and Louisiana's green stagnant swamps. Now children begin to droop, and continue to do so, until the wind changes to its favorite quarter again; and adults are sensibly affected, with that which so frequently produces headaches, tumorous swellings, chills, and indigestive affections, even on the most guarded.

Bilious attacks, while warm weather lasts, may to a certainty be expected; as bilious and intermittent fevers are incident to all southern latitudes, and *very few* northern ones are exempt. But there are few regions, either north or south, where bilious fevers are of a milder type, or more within the control of medicine, than are those which occur in Texas; providing they are met with by a regular course of medical prescriptions: otherwise they may prove both severe and fatal. But, if the patient is guarded in his convalescent state against the too frequent custom, during that stage of the disease, of using saccharine vegetables, such as water-melons, musk-melons, cucumbers, beets, &c. there will be little or no danger; as the fevers occasioned by bile alone are generally light, and commonly leave the person who has been careful and docile, as soon as the bilious accumulation is discharged; which accumulation may perhaps appear beforehand to have increased with an acrimonial redundancy, apparently peculiar to the Texas atmosphere, during the space of two or three months preceding that of October.

This is more particularly the case with those persons much given to the use of ardent spirits, or to the eating of unripe fruit; as it has been remarked that children who have been indulged freely with dew-berries, water-melons, musk-melons, grapes, cucumbers, beets, and such like, during the fall season, are taken down sooner, and when down are much more severely handled by the fever, than those who are measurably debarred from such dangerous food—if such fascinating ingredients may be called so; but they merit no such honorable distinction; especially when (as is too often the case with children,) they are taken to excess, or when the stomachs of their recipients are in an improper state to receive such unconcoctable materials.

The winter season in the province would not by a north country man be called severe, by any means; as the snow neither falls heavy nor lasts long, and the frost is of but short continuance, seldom or never producing an icicle over nine inches in length, and one at most in diameter. Yet as a southern latitude, it is changeable in the highest degree, so that the inhabitants would rather in this respect enjoy the steady, serene, although severe weather, of a more northern one.

In October and November, the strong north winds set in; and the rains which usually fall in these months cool the land. About this time the mountains of the interior are covering with snow, and serve as generators of cold air; while the continued action of the sun upon the waters of the Gulf rarefies the air in that direction, and consequently a strong current is produced, of the cold and heavy atmosphere of the north. Hence in the months of December and January, the cold northern winds sweep down the plains, with nearly as much regularity as the southern winds in summer; and in these months the southerly winds are of short duration, and soon produce rain, an infallible indication of an immediate norther. But February and March generally produce less quantities of rain, with a longer continuance of high southerly winds. The northwest wind is most prevalent in mid-winter; the northeast, early and late in the season.

Often during this season of the year, the south wind from the Gulf appears as mild, and the sun as warm as in a mid-summer's day; raising the mercury to 75°; creating at this time mild and agreeable evenings, with pleasant and delightful nights. But as often, although fortunately in shorter periods, the north winds blow from the mountains, cold to the utmost extent; at least feeling so to the people, from the suddenness of the change, which often decreases the mercury in a few hours, from 75° down to within 25° of zero.

Sudden changes appear still more disagreeable in their effects, as they verge towards the spring or fall months, at a time when the laborer is the most assiduously employed; these being the only busy times of the year; more especially with the husbandman, in the spring season, as the crop *must* be put in the ground, early indeed, or the farmer may in vain look for a profitable harvest, on account of the drought setting in much sooner in common, than it does in the more dense wooded countries. At times the laborer is apt to complain, 'that it is too warm to work;' but there is no occasion for using such a complaint long at a time, as perhaps in a few minutes after he has uttered it, the northeast wind from the mountains, roaring like distant thunder, chills him to the very heart! provided he is not in a situation to mollify its severity, either by using uncommon exertions at his labor, or by having warm garments to put on, or a secure shelter to flee to.

However, these annoyances will happily diminish, as the people become supplied with good buildings, and plenty of warm clothing, which on account of the northerly winds are as much needed as they ever were, in any other country. By this not being understood, the first settlers suffered severely. As experience ripens, and abilities allow, they will provide themselves, so as in a great measure to prevent those colds, pleurisies, and rheumatisms, which at present attack so many, and carry off so frequently those who have been too fool-hardy, or through necessity have been exposed to their malign and deadly influence.

UPPER AND LOWER TEXAS.

Having thus considered the climate of Texas with all its bearings and tendencies, we shall look a little into the minor differences which exist betwen the upper and lower sections of the country; both of which feel the changes of the atmosphere, *but not* with an equal ratio of consequence; for the latter, by reason of its vicinity to the Gulf, its flat prairies, and above all, its umbrageous woods, shows as decided a contrast to the former, with its three diametrical opposites, as the state of Louisiana does to that of Kentucky!

The inhabitants of this Texas Kentuck, then, have a more free and brisk atmosphere, a less quantity of general rain, feel the heat of summer less and the cold of winter more, than those of Texas Louisiana. This brings us to consider the advantages possessed by the upper parts over the lower, to the farmers and graziers, equal if not superior to those the lower possess over the upper, to the planters and stock raisers: as a part of every thing which grows on the seaboard, will also grow in those parts adjacent to the mountains; although not always so luxuriant, nor of course the transportation of them so easy. Yet when we balance the difference, in delightful scenery, and in healthful feelings, we are prompted to exclaim, 'that the lower is better adapted to the negro constitution! and the upper to that of white men!!'

There is an insurmountable barrier against the comforts of the people, and the welfare of their live stock, in the level parts of the country, on account of the innumerable swarms of horse-flies, gad-flies, ticks, and musketoes, which, during a very considerable part of the summer season, torment and harass the distressed animals; sucking their blood, and completely debarring them from receiving any nourishment during the day.

So that when the period arrives wherein these insects disappear, the farmer's stock is not only poor in flesh, but perhaps considerably diminished in number; particularly if any of them, before the fly time commenced, were reduced by labor, or sickness, from their wonted strength and alacrity. In that case there is no alternative but death!

Yet some stockholders insist, that they would rather have it so, saying, 'It helps to keep our live stock together, which would otherwise scatter and become wild; it keeps them about the premises, so that we have no trouble in gathering them up; 'tis true we have to use more calomel, but it does not cost much by the pound! and we have found it an infallible poison for maggots, as well as the best salve for healing up wounds in animals we have ever tried.'

However much a citizen of this region may console himself with such reasons, let not an equestrian visiter attempt to pass through it, in either of the months, July, August, or September, for if he does, wo be to him! And hard will be the lot of his poor horse! because, whether he is rode in the midst of company, or brushed incessantly with brush-wood by his master, he will be by the time night overtakes him, covered with blood-clotted hair; especially on the belly, shoulders, and breast, which will appear, to the eyes of a feeling rider, as if the wretched flies had left but little blood remaining.

Night, which brings darkness, and some protection to the horse, brings more trouble and much misery to the rider. Musketoes and sand-flies will hold their tormenting ascendency over him. The eternal hum of the former, which congregate around him in such numbers as apparently to require the aid of a stick to turn them, must be heard, although their incessant attacks may in some degree be parried by the waving folds of a well applied handkerchief; but the latter will insidiously insert themselves, in spite of every opposition, into every chink or cranny of his then ill-fated body. These *two* woful pests of the day, with their *two* accompanying plagues of the night, are exclusively with a *little* exception to the sand-fly, confined to the southern or level section of the province. One must, however, expect throughout the whole summer, to meet in all Texas with numbers of *every* insect, incident to a dry country of a southern latitude.

INSECTS AND REPTILES.

We shall confine our remarks to a few of those most prominent, among this endless variety. There is the house fly, according to whose numbers in spring, we may with certainty calculate that ratio of sickness to be found in the ensuing fall; as putrified substances, impure air, and a warm sun, are at once breeder, feeder, and supporter of this troublesome insect. Next comes the Spanish or blister fly, to be found in greater numbers, quite innoxious to the beholder, but dangerous to be handled. Then there are but few countries, which can boast of such a number and variety of ants. The woods and the dry prairies literally swarm with this industrious—and because of his industry, pesterous little insect.

Of reptiles, there are lizards of every hue, generally harmless, except the smooth or broad backed ones. Spiders also of every diversity abound, from the tarantula, one of the most disgusting and venomous creatures in the country, (which when full grown will measure when expanded from five to six inches,) to the small slender striped one of the most insinuating appearance, but as the author can testify by dear bought experience, of the most poisonous nature. Scorpions and centipedes are as numerous as they are dangerous, especially the flat, black-headed centipede, which grows enormously large, and whose haunts are chiefly to be found under rotten logs and moss grown rocks.

The camping traveler, and the land hunter, will do well to keep a bright look out, particularly in the woods and their vicinity, for a species of red bug, and the tick. From them, especially the ticks, there is no escape. In a single night in warm weather, they will gather so affectionately upon one's outer man, as hardly, in the morning, to leave its complexion distinguishable; and such is their love and attachment to humanity, that they cannot be removed without great care and ingenuity. In size, shape, and color, they resemble that bug which is the horror of good housewives. Provided with a proboscis or trunk, monstrously disproportioned to the rest of the body, they nip out a portion of the cuticle, and lay bare the smaller vessels, from which with their combined powers of suction, they make no trifling draught upon a man's system. What must be the condition of those cattle and horses, upon which hundreds of such wretches cling at once, and continue to feed until they are equal to a garden bean, both in size and color?

The question naturally arises upon the best time of the year for a stranger to visit that country? October and November are the two best months to make observations in; and April and May are the next best, so as to avoid not only the rapid changes, but the extreme heat of the weather. The first impression in either of those months is delightful, as well as just; they are also the most favorable seasons, on account of both comfort and health.

MOSS OR SPANISH BEARD.

During the time I resided in the United States, before I went to Texas, I was led to believe, by any information I could receive from others, or any observation of my own, that where moss grew on the trees, it was sickly; and that according to the luxurious growth of that singular production, so did the inhabitants of its vicinity, upon an equal ratio, suffer by bilious attacks, and intermittent fevers. I was the more confirmed in this opinion, by seeing such vast quantities of moss, alias Spanish beard, in the lower parts of Texas, and the people so sickly looking.

But how was I astonished, when I found many a solitary tree particularly live-oak, and many a lonely grove, especially post-oak, miles upon miles apart, far up on the highest of the highlands, dressed out with equal profusion, in their long flowing robes of sober gray, waving in a clear atmosphere, over the driest of situations; where the inhabitants, by their good looks and athletic frames, *shook my former theory to the very center!* the more so, when I found by experience, that no doctor by the practice of his profession alone, (although many had tried it,) could live in those upper parts of the province.

By examining this to me phenomenon, I found that according to the quantity of lime-stone, and lime-stone land abounding, so did moss abound also; and the nearer that stone verged towards rottenness, the more luxuriant the moss: which led me to suppose, that the exhalation arising from this kind of rich soil, and decomposing stone, in unison with the remaining particles of that effluvium, brought on the wings of the southeast winds, and deposited on these trees, whose attracting qualities over others were more congenial to that kind of moisture, was the *sole primary* cause of this singular vegetation. By considering it thus, I saw at once, (at least to satisfy myself,) the beauty of these high, open, and ascending prairies; with the blessed utility of those northwestern mountain blasts, *in driving back* the malaria, thus intruding upon the otherwise healthy country, to its proper bed, the briny ocean!

This Spanish beard, besides its usefulness in the mattress line, and such like, is seized on with avidity by both cattle and horses, whenever it can be found by them, in the winter season. And, under its protecting canopy, the author once felt a grateful shelter, from a shower of spring hail-stones, which appeared in many instances, the size of hen eggs, measuring in circumference *five* inches!

In examining the water of a draw-well, which was sunk by mishap, through rotten lime-stone, I found it as unpalatable in taste, as it was unbearable in smell and unhealthy in nature: but I found the lime-stone water which was exposed to the air in a running stream, not only the most pellucid to the eye of any other, but pleasant to the taste, and as healthy as *any* that ever dropped from the clouds, and was purified in a cistern!

BOOK VI.

SAVAGES.

MARAUDERS.

There has been less bloodshed, in the settling of Texas by Americans, than there has been in *any other* state or territory, (Pennsylvania excepted,) in North America. True, a few families have been destroyed, and the lives of several valuable men taken; but as yet, the number (speaking comparatively) has been small, very small indeed. There have been also a great many horses and mules driven off by the *savage foe*, and many cattle killed, with a considerable quantity of useful and necessary articles stolen or destroyed; but seldom have they proceeded to exterminating extremes: though if they had had an inclination to do so, there never was much to prevent them from cutting off at least those white families, and solitary individuals, who had placed themselves at a distance from neighbors; and who, for any resistance they could have made to such determined heathens, would have fallen a very easy prey. But the marauders have rarely disturbed them—that is, by an actual attack upon their lives, except when they have met with the transient traveler or the solitary hunter, the possession of whose gun, ammunition, and horse, would tempt them to get behind a tree unawares, and as he would pass carelessly by, to bring him down if possible. Otherwise, they have been known in a thousand instances to be very careful in hiding their movements, while about the dwellings of the American settlers; passing softly and cautiously around, to find if there was a horse left for them to snatch; if not, they would perhaps take a little corn from the field, or some small matter else, the missing of which on the morrow, with the moccason tracts visible, would be the only indication left, (providing they had not put an arrow in a hog,) of their ever having been there. And the peculiar cut of these moccasons, or arrows, would be the only evidence left to show, what tribe of Indians they were, or pretended to be; whether Caddos, Wacos, Touwaccones, Touwiashes, Anadarcos, Tonquewas, Carancuhuas, Kickapoos, Quapaws, Ketcheyes, Ironeyes, or Beadeyes; which have of late been the only troublesome tribes, or rather portions of tribes, infesting the colonists, with the exception of the Comanches, who have frequently paid the American Texasians a friendly visit, and complained bitterly, while with them, of the other Indians' rascality.

They were just in pursuit of them—to *kill them*, that they were! 'American *bobachcellio*'—O yes! While they were gratefully rewarding them with presents, for their kind interference; and perhaps at the same time, these double dealing cowards had only come on purpose to spy out the nakedness of the land; but if they found it otherwise, return in a few nights afterward, and drive off upon the credit of the more openly hostile tribes, the very horses they had pledged themselves to assist in protecting; sometimes returning these same horses, as a spoil captured from the enemy, by their spear and their bow; boldly and audaciously claiming a corresponding reward.

What could be done, even after convincement of such facts, without more proofs than the Americans generally possessed? This tribe were more numerous and powerful than *all* the others put together, that were engaged in such petty and puerile warfare. Besides, the Mexicans had made with them a treaty of peace, which upon no slight provocation, (as will be shown afterwards,) they were willing to break.

However bloodless were the most of these depredatory scenes, it may well be imagined by the feeling mind, that the situation of the frontier settlers has heretofore been, *as it still is*, by no means enviable. Let us for a moment consider a supposed case—a man with a heart-endearing wife, and a family of beloved children, perhaps ascending in lovely gradation, from the breasts of their affectionate mother, to the age of adolescence; nay, if you please, daughters advanced to a marriageable state: of that man, having *no* other arm than his own to protect them from death, or the more horrific calamity, violation: and of his being obliged to leave them, through the pressure of public or domestic business, too often in not only a helpless, but in an agitated state of mind; by reason of their knowledge through well authenticated reports, of instances (although but solitary ones,) wherein not only the houses have been rifled, but the inmates subjected to savage brutality, in the absence of their husbands, brothers, or hired protectors. Now then, *think*—whether the danger be actual or not, so it may be hourly expected in its most horrible forms, conjured up by the excited mind, through a feeling of the body's helplessness—what do they suffer? A thousand deaths!! since the mind suffers more by the terrors of the imagination, than the body does when the evil takes place; as we may safely calculate on the pain, endured by *each* individual attack on the first, as equal to that which the last endures when it is finally destroyed!

Notwithstanding all these spirit stirring, and heart trying relations, one would naturally fall into the following conclusions: that as the country became every year more settled, and the male sex every day more effective, by an influx of emigration or otherwise, the minds of the people would become more easy, and their possessions the more secure; and that their savage enemies, who are in reality but remnants of broken tribes, generally disunited among themselves, would become less numerous, and of course to the Texasians more despicable. Especially when we add to the reasons aforesaid, that assistance which they, as it would be supposed, might at all times command, from those tribes, or parts of tribes which now occupy their territory, and have ever since they left the United States, been with little or no interruption, the avowed friends of the American settlers; policy as well as choice dictating to the Choctaws, Chickasaws, Cherokees, Cushatees, Shawnees, Delawares, Creeks, and Alabamas, by dear bought experience in the east, that it is better to be contented with half a loaf, than no bread, in the west. Such also has been the case with the Carancuhuas, the Tonquewas, the Kickapoos, and the Quapaws; although some of them have been rather late for their own good, in considering it thus.

CIVILIZED TRIBES.

Not a few of those first enumerated, are so far civilized, as to provide well for themselves, without disturbing others; but the Cushatees are, in this respect, the most worthy of notice. They have their villages on both sides of the river Trinidad; their houses are well constructed, and often surrounded with flourishing peach trees; their gardens and fields well cultivated, and often surrounded with good fences. They have a goodly supply of both horses and cows, with some hogs, and plenty of poultry; use culinary utensils, and are remarkable for their hospitality to strangers. In autumn, when their crops are laid by, they range the country in small parties, to procure a winter stock of honey, venison, and bear's meat; sometimes leaving their villages without a single individual to protect them. When among the settlements, they conduct themselves with decorum and propriety; and like the rest of the friendly Indians, are well acquainted with the distinction of property, knowing in the farthest woods, the difference between a wild hog, and one that has a mark on its ear.

POLICY OF WHITES.

There have been but few men, (at least influential ones,) who have sat down in Texas, with the spirit of a Penn or a Wilberforce. If such there have been, the torrent of public opinion, biased through the peculiarity of their situation, has thrown their exertions, even when they would have had their effect, into the shade of obscurity; discountenanced as they have been by acts of policy, not dictated by the spirit of comity, but by that of apprehension for the future well being of their country, in case there should be any binding promises given, concessions of land made, either temporary or perpetual, or other rewards or emoluments bestowed, whether it be by military appointments or otherwise, to purchase the friendship of savages, generally supposed to be always treacherous; for say they, 'it is purchased today and lost tomorrow; it is generally dearly bought, and is never gratuitous, but to a superior force. When sold, the first price, though ever so exorbitant, is but a prelude to future exactions. A sale is only a *loan for use;* and as the savage is always suspicious, and never disinterested, the loan is sure to be recalled, whenever caprice or interest may prompt. The very offer to purchase his friendship, (and all benefactions are construed into such an offer,) carries to his mind, suspicions of inability to compel it; and such suspicions always excite his contempt. Fear alone is the arbiter of all his actions and affections relative to others, except his own tribe.'

Again, they continue, 'should it once be whispered. among the numerous and populous tribes of the north, that those of their kindred who have forced themselves upon us, by stealth or otherwise, have been by us caressed and fostered, a very few years will be sufficient to fill up the vacant lands of Texas with a fierce and ungovernable people, who will soon turn upon their benefactors; and in comparison with whom the Comanches, Caddos, Wacos, and Touwaccones, are utterly contemptible and harmless.' What goes to confirm these powerful reasons, are the arrangements made by the United States government, with the Choctaws, the Chickasaws, the Cherokees, and the Creeks, by which they have severally engaged to migrate to the west side of the Mississippi; and beyond the boundaries of the state of Missouri, and of the Arkansas territory. Other treaties probably have been made by Congress, or shortly will be made with other tribes, of a similar import; appropriating lands for the future location of these nations of barbarians in the western wilderness, and *for some of them,* in the immediate vicinity of Texas.

And if this system of removal shall be followed up, by the citizens of the United States, with the whole of the Indian population in the valley of the Mississippi, which no doubt by the nature of things, will ultimately be the case, there will then be to the north and northwest of

Texas, besides those still powerful tribes already mentioned, the Chippewas, Ottawas, Arripahas, Winnabagos, Potawatamies, Assinebians, Menomonies, Algonquins, Seminoles, Pawnees, Snakes, Osages, Sioux, Sacs, Crows, and Black Feet, with thirty-six other smaller tribes, whose names are too tedious to mention, but who are still adequate to add some 50,000 souls to the 250,000 in the aggregate, of *all* those tribes whose names have been given.

The removal in part of several of the contracting tribes, has already been accomplished; and though but a small proportion of the whole number, contemplated to be removed, have as yet appeared in the country, designated for their future residence, the injurious consequences, flowing from this forced and unnatural accumulation of savages in a territory that is obviously incapable of sustaining them, to the adjacent territory of Mexico, are too apparent to escape the most cursory observer.

It is a fact sufficiently notorious, that a great proportion of the country allowed for the settlement of these discordant nations is a sterile, unproductive wilderness, situate in an inclement and unfriendly climate. Such a country can present but few inducements to a permanent occupation, by a people who have made just enough progress in civilization to have acquired many of its most mischievous arts, and all its vices, but not enough to endow them with sufficient fortitude and patience to subdue a stubborn wilderness to cultivation, or to preserve themselves from relapsing into their primitive state of barbarism.

Hunting and predation are the favorite pursuits of savages. The *chase* possesses a fascination that is altogether irresistible to the untutored mind, and derives its principal charm from the resemblance it bears to war, to which all unenlightened nations are passionately addicted. It requires, then, but a superficial acquaintance with the character of these aborigines of the north, who in part, and soon in whole, will be translated to the northeastern borders of Mexico and Texas, to foresee that in a few years, after their ejection from the pale of that power which has heretofore surrounded them and curbed their wild propensities, they will abandon all their acquired habits of civilization; and then it will require less forecast to perceive, that the country in which they are about to be congregated will be altogether inadequate to their accommodation.

Without intimating the certain occurrence of feuds and wars among themselves, and the inevitable dispersions to result from them, we may deduce from the principles of absolute physical necessity, the fact, that many of these tribes will be compelled to spread themselves abroad, and to seek a more commodious residence, in a country less densely populated, and where the means of subsistence are more abundant and of easier access.

Texas will then, as it has done, and is still doing, possess more allurements than is generally supposed to attract their notice and excite their cupidity: lying contiguous to their newly acquired territory, and possessing a climate mild and salubrious, with a soil exuberantly prolific, diversified by alternate forests and prairies, wherein a diversity of animals must be found; far remote from any powerful civilized population, to check or disturb their occupancy, yet still sufficiently proximate to the villages of Rio Grande and to the scattered settlements of Texas, to ensure them ample opportunities of gratifying their hereditary animosities, and indulging their passions for rapine and war.

But farther, however unwilling we may be, to proceed with such a striking picture of future misery and wo, to the inhabitants of Texas, yet we are bound to fill up those outlines already drawn, upon the principles of experience and truth. The axiom is therefore self-evident, that, except some powerful casualty takes place, contrary to the past, and present nature of things, 50,000 Indian warriors will for centuries to come have their eyes fixed upon those countries, possessed by the Texasians and Coahuilians!

Start not, gentle reader; I have already shown, and that, too, from late authentic documents, the goodly number of 300,000 persons already destined to hover on the skirts of that devoted country; yea, they are already there! Consider the 100,000 Indians of the United States, independent of those enumerated in the Mississippi valley, who by the pressure of whites on the east, are daily falling back on the west, in as natural a stream, as the torrent of the mountain seeks the bed of the ocean. Add to these 50,000 aboriginals, who claim that country, lying between the Rio Bravo and the Sabine, as their own; and if you please, 50,000 more of those starved out, frost-bitten Canadian Indians, who are drawn as unerringly by the sun of a southern clime, as the magnetic needle points to the pole.

I suppose your doubts now satisfied, having placed at your disposal, as a contingent corps of reserve, 200,000 savages, over and above the number I contend for, to make up the amount of effective men, already stated; and which should be by the rules of propriety and good management, looked for and regarded; because 300,000 souls, allowing one able-bodied man to every six souls, will give the aggregate number of 50,000 warriors; for every able-bodied adult Indian is, *de facto*, a warrior.

WARRIORS.

Of these warriors there are at present some two thousand who have pitched their tents within the boundaries of the province. This number, though sufficiently formidable of itself, considering the wilderness state of the country, and the fewness of the civilized population within it, is rendered still more so, by the uncertainty of their ferocious and warlike characters, as regards the safety of the whites. They have been long practised in arms, in many fierce and bloody contests with the hardy *backwoodsmen* of the north, and have always displayed great bravery and indefatigable perseverance.

Their manner of warfare is as ruthless and cruel, as it is bold and enterprising. They are admirably expert in the use of the *rifle;* and although compelled to retire before the accumulating masses of the North Americans, who have gradually driven them from forest to forest, and beyond river after river, they have never acknowledged themselves conquered, but still feel able to contend with equal numbers, of the best troops of the civilized world.

'Should these portions of tribes,' already mentioned,—says the public opinion before quoted—'be permitted to obtain a permanent footing in the country, it will inevitably attract the residues of their respective nations to reunite with them; and, if at any time checked in their unreasonable demands, they may join, at least in temporary alliance, with those uncompromising and treacherous bands, who combine to devastate the exposed frontiers of the State.' 'Other tribes, by their example, would be lured to seek a residence on the same principle; so that after a lapse of some few years, except some prompt and efficient measures are taken to keep in check such a dangerous emigration, these northern barbarians will swarm in Texas, as the Goths and Vandals swarmed into Italy: and impelled by the same motives, and the same antipathies, they will spread a similar devastation in their progress.'

Every man, wise, or good, or great, will say *Amen!* to this last and most important clause of public opinion. Let a ranging company or companies be organized in military form and order; let them be provided for, by a regular assessment made throughout the whole province, independent of those spoils which may be taken by them from the enemy; and let them have a regular salary appointed, in case of being wounded or otherwise disabled in the service. There will at all times be found men enough and to spare, who will thus volunteer their services, to the protection of the country, and the discomfiture of its Arabinical foes.

These foes, fortunately for the well-being of civilized man, seldom or never act in formidable concert, or the inhabitants of Texas would not with their too often disorganized materials of resistance, have been able so long to subsist as a people. But, by their establishing, cherishing, and supporting an active, efficient, and always ready cavalry, they will be enabled to cope, and that successfully, with their savage enemies for *ages to come:* for as certain as the sun sets in the west, so assuredly will the *last* hostile Indian *expire*, at the foot of those northwest mountains, from whose tops his ancestors *first* viewed the sunny land!

In the savage state the feeling of revenge is, perhaps, the strongest and most inveterate that actuates the mind, especially of a warlike people. And heaven knows, the unfortunate Indians *were never* allowed to remain long without suffering abundance of injuries to excite this feeling; a feeling which not only their natural propensities, but their religious opinions teach them to believe, that it is meritorious to gratify. It is reasonable also to suppose, that a taste for pillage must have its influence upon numbers of those improvident and homeless warriors; a taste not only called into action from a sense of injuries received, but from a feeling of irremediable destitution, and habits of unadorned naturalism. And these habits are too often supported instead of diminished, by those much more savage and diabolical white men, who are neither actuated by custom or necessity, to unite and stir up those ruthless hearts to deeds of daring, which they would otherwise leave unaccomplished; were it not for the wicked machinations of such unprincipled men, of whom too many instances in the history of savage warfare are recorded. One of which took place in Texas, in the winter of 1830–'31, that the writer has good cause never to forget! not so much on account of his own sufferings, as the terrors and misery he was obliged to witness, in those of his fellow-citizens; increased by the forlorn situation of many a helpless female and tender infant.

WHITE INSTIGATORS.

Men of such stamp, as *will* be found on the frontiers of every new country, colleagued with some semi-barbarian Washinangoes, (Spaniards who have negro blood in them,) to assist them in collecting and stimulating those hostile bands which had been for some time back rather timorous in their movements towards acts of hostility against the whites; but who were now brought forward by these vile men, in order that their kinsman, a wicked man and a murderer, might be gratified on his pursuers; and that in *company* they might be benefited by the plunder of the upper colonists, especially those of De Witt's, where the murderer had been denied land and a certificate of citizenship.

Such a germ of mischief was happily overpowered, by the long tried and severe exertions of the Gonzalians, aided by a company of patriotic Austinians; although at the expense of much property, and of much more valuable lives, on both sides of the question. I say *both*, for the feats of patient endurance and personal bravery, displayed on more occasions than one, by those who were engaged, would do honor alike to the heroism of a Roman or a Spartan!

But as soon as the red men found that their white leaders had fallen into the hands of their more powerful antagonists, they left their lines of circumvallation, which they had drawn so tightly around the town of Gonzales, in whose stockaded fort some nights (and these bitter cold ones too,) were crowded upwards of one hundred and fifty men, women, and children; while at the same time the Indian watch fires would encircle them like a rainbow, and that too so near at hand, as to enable the current of night air to waft to them the perfume of their own cattle's beef-steaks, preparing for the stomachs of their threatening and insidious enemies!

After the colonists' frontiers had been again extended, and a measurable security once more attained, a rencounter took place between two chieftains from the opposite parties, whose destruction was as much regretted, as it was then unnecessary; the brave and humane being already satiated, by those scenes of bloodshed and recrimination which had already, although unavoidably, taken place during the Indians' delusions through the instrumentality of white men.

A RENCOUNTER.

Andrew Tumlinson belonged to a family which the colonists of De Witt will long remember, as one of their chief stays in the dangers of settling those wilds, trod only by the children of the forest; which, without true valor and genuine patriotism, would have been wrested from them, even when they had just begun to breathe a little after their first exertions of settlement.

This indefatigable champion of revenge for his father's death, (who some years before had fallen — treacherously fallen — while in the act of generously conciliating, with his slender means, several importunate Indians,) had vowed *never* to rest until he had received satisfaction! In order the better to accomplish his end, he was one of the foremost if possible in every skirmish with the Indians. And that he might be enabled to do so the more completely without distraction, he placed his young and beloved wife under the care of his brother-in-law, settled his pecuniary affairs, mounted his horse, shouldered his rifle, and headed a ranging party whose *motto* was, 'Peace for our brethren, or death for ourselves!!'

But alas! his noble example and honorable career were of but short duration. For although he had on several occasions been at the scattering of his country's enemies, and had at one time in the midst of the Carancuhuas' hunting ground, unsupported by any man whatsoever, overcome their chief warrior and Cazique; yet he fell a victim at last to his own imprudence, having but one fault as a soldier, that of being what is generally termed fool-hardy in the pursuit of an enemy.

His party had been stimulated to investigate the motives of a Caddo, whose cunning and resoluteness had sometime before, been as sufficiently tested by the Americans, as that of some others, who had gone to meet death in cold blood, singing their war songs as coolly as if they had been going to a feast! For when this unsophisticated barbarian had been seized as a spy, and threatened with death, by a half dozen of loaded rifles at his breast, in order to make him deliver up his knife, he never so much as changed color, or winked an eye. He had at this time the temerity, (while he knew that his nation were still obnoxious to the whites, and was also well aware that deeds of cold blooded retaliation for injuries received, had been committed on both sides,) to take up his abode in the house yard of a solitary and unsupported family in the country.

Now as he could speak the Spanish language fluently, Tumlinson, who could converse with him, commenced an investigation of his motives for being found there at such a time. But instead of his giving any satisfaction, he seized his rifle which was lying by his side, as he sat on a log, and sprung to his feet! Clements, the owner of the house, being at his side, and with whom the Indian had been on the most friendly footing, as quickly expostulated, and by soothing terms, got him to deliver the gun into his hands; striving to convince him that the Americans only wished to be satisfied of his friendly intentions towards them, having no desire to take the life of one who might be so useful in conciliating his red brethren.

He appeared to acquiesce, by wrapping his blanket still closer about his body, it being at this time cold weather, and moved ahead of the rifle company. Tumlinson went next to him, and although the rest of the party, as they were then on foot, requested him, when they had an opportunity, not to go too nigh, as they believed the Indian had a knife in his belt under his blanket, yet he heeded not the warning; considering himself perfectly secured by his own fire-arms, and his own dexterity.

So much was he convinced of this, that he continued to persevere unknown to his colleagues, in such a course of interrogation, as awakened still more the suspicions of the Indian that his life was to be taken! Tumlinson must have noticed this, not only by the Indian's caustic laugh at the end of every question put, but at last by the movement of his right hand under his blanket. He fired! but not quicker visibly, than he fell, with the Caddo's knife in his heart!! as the savage had sprung quick as the tiger on his prey. And although Tumlinson's rifle bullet had passed clear through the center of his body, yet his devoted victim appeared to be no more in his hands, than the most diminutive animal in the paws of the bear! For he was a man of gigantic frame, as well as one of the handsomest and best built sons of the forest; to which was added a most undaunted soul, as appeared by the catastrophe in this case. For he well knew, that not only his own life, but his son's (a young lad who was innocently bearing him company,) would be taken upon the spot, by those who were behind, and who were not only keeping their eye, but their rifles in readiness. They consequently blowed his brains out as he lay over the body of Tumlinson, and had just turned his face to them, distorted with a most exulting grin: as much as to say, 'I am revenged, do your worst! for I die happy!! when I have been enabled to *sacrifice* another white man, to appease the *manes* of my fathers.' The boy fell also, after he had sprung some distance in a zig-zag and see-saw war motion, peculiar to the Indians; learned by them in their youth, in order that they may avoid if possible the balls of their opponents, by rendering it almost impracticable for the best marksman to draw a sight or bead upon them.

SUBDUED TRIBES.

Although the citizens of the upper country have been, and still are from time to time thus molested, yet the inhabitants of the lower districts are *now* in no little measure entering upon the enjoyments which arise from comparative security; having reduced the two most warlike tribes of the sea coast, who with any claim of prior right held that most valuable part of the country, and who made such a formidable resistance as at one time to excite universally the most serious fears for the consequence. For they were savages of a most ferocious aspect, and their hostility to the whites for usurping their territory so inveterate, that no presents could mollify, nor any mildness attract; resolute in war, and determined in enmity; neither giving nor appearing to wish mercy.

The Tonquewas were the first subdued, as they were considerably reduced in number by the Comanches, who had, for some years previous to the settlement of the whites in the country, carried on with them a predatory warfare. But the defendants, although their situation was upon higher ground than that of the Carancuhuas, still preserved themselves from extermination, by their peculiar mode of fighting, on foot under the cover of a thicket; which gave rise to a cautionary maxim among the whites of the country: 'Take a bush like a Tonquewa!' But as the Comanches always move on horseback, armed and equipped not only with the usual arms of an Indian warrior, but with a long spear, having a sword blade for the point, and a buckler or shield, made out of the thickest portion of a buffalo's hide, they are indeed a formidable body to be met with on the plain, as a Comanche's body and his horse's back can never be separated in battle, unless one or the other is killed. Of course they can make no impression on a hiding enemy; therefore did the Tonquewas continue a pretty strong and formidable body, until the Americans entered their territory, to whom they submitted after there were but few left.

The Caranculuas, by taking up their position in the cane-brakes and salt-marshes of the Gulf shore, were not so easily conquered; and if it had not been by a well concerted movement of the whites, they would have continued much longer than they did, a grievous annoyance. But as the main body of the tribe were encamped on a neck of land opposite the bay of Matagorda—employed, while they least expected it to be a war instead of a fishing match—they were at the break of day completely hemmed in by a company of undaunted and determined men, who *cut them off*, man, woman, and child!! as it was impossible in that dark hour of sanguinary revenge to discriminate between the innocent and the guilty. By thus doing, the absentees were completely humbled, sued for peace, and received it!

These Caranculuas, were once a powerful tribe, formerly inhabiting the whole of the Texas sea coast; and were reputed to be the most ferocious of cannibals. Hence probably, the Spaniards were little disposed to invade them, or to visit their country without a strong military escort. Hence also, it is less surprising, that they acquired little knowledge of the coast; and thus supplied the place of knowledge with tales of fictitious horrors. That they were by nature of the *anthropophagi* race of beings, is to be very much doubted! But, that they were in the latter days of their existence as a tribe, through necessity, when confined in the woods, swamps, and prairie canebrakes of the Bay coast, without their natural food of venison, bear meat, fruit, &c., or through the vindictiveness of their exasperated spirits, were drawn into the horrific system of Toupinambaltism, whenever they had an opportunity of triumphing over their fallen foe, is not to be wondered at—when we consider that the shipwrecked mariner, and even the besieged citizen of civilized life, have (and that too often, alas for humanity!) had to cast lots—not for the lives of their bitterest enemies—O no; but for the bodies of, it may be, nearest neighbor, best friend, or dearest relative, yea perhaps their tender and beloved offspring, that the balance left might happily be preserved a little longer!

UNSUBDUED TRIBES.

The people of the province have but few tribes of any consequence by number, to contend with, who claim by right of precedence their hold on the country; so that they are in no little measure participating in the pleasures of their acquired rights, derived from their granted, as well as from their persevering bravery: which rights have heretofore been the more enhanced, by their government's generosity towards them, in rendering every assistance possible with troops, in order to overawe the grumbling savage, and repel the insidious attacks of their worming foes. Those soldiers, however, that have been kept on the frontiers of the republic, for such a purpose, have never been much required by the American settlers, nor when sent, their protection much depended upon; as they are in general a lazy mixed blooded race, despicable in their appearance, and far more in their qualities; braggadocios in security, but when in danger, generally appearing to be much more afraid of the Indians than the Indians are of them.

It is a well known fact, that to colonize the province of Texas with Mexicans of the above stamp, was an utter impossibility; as the government had frequently tried it through the instrumentality of the Washinangoes, and as frequently failed. Therefore they were obliged, to the sincere regret of those towns lying between the San Antonio and the Rio Bravo, to abandon the project of settling their southeastern borders by Mexican natives; as there were none of the pure blooded *genuine* descendants of the European Spaniards, who would risk themselves in the agricultural and grazier's pursuits, on the skirts of the republican territory.

And by such means as were pursued, the Indians were soon taught to believe that the Mexicans were afraid of them; and took, as they still do, every opportunity of harassing them, if they should happen to fall in with them unsupported by Americans. But if the Mexicans should back out, and leave them the plunder, they appear perfectly satisfied with that, though they may at the time have the advantage otherwise. They give such reasons for their singular forbearance, as would not disgrace the most refined politician of Europe; for however chimerical it may appear to my reader, they have not hesitated to declare, and that too at many a conference held with them, while in amity with the Americans, 'that they *did not* want to kill those who were so useful in raising horses and mules for their special benefit!' In confirmation thereof, they will often go into the precincts of Bexar, and other towns on the east of the Rio Grande, driving off horses and mules in droves, while they could without danger to themselves kill the herdsmen: but they pass them by as if they saw them not; most frequently receiving the grateful blessing of the Washinangoes, for being so merciful as to grant them such an honorable gift as their cowardly lives!

As a proof thereof, how often have the soldiers of the Bexarian garrison been obliged by an *order* of their military duty, as soon as they saw a body of Comanche horsemen alight in the public square, to run without delay and catch the horses; as their riders had left them, with a careless and consequential air, knowing *their slaves* would not only strip them of their trappings, but afterwards tend them in good pasture, and prepare them at the risk of chastisement, whenever their masters thought fit to withdraw. Yea, when this powerful tribe wishes to raise the wind, as the saying is, they will carry back a Mexican cavy-yard, which perhaps they had previously stolen themselves, but now pretending that they had taken it from the hostile Indians, and demanding a valuable reward for such friendly exertions! And this demand, from motives of state policy, is sure to be complied with, however unreasonable the amount of the reward may be, or whatever suspicion might suggest on the propriety of such conduct.

This tribe of Indians inhabit the country lying to the north and northwest of San Antonio de Bexar. They are a wandering race, but always moving in bodies of some hundreds or thousands at once; so that they can with advantage and without fear follow up those immense herds of buffaloes and wild horses, with which these plains are stocked, to the amount of thousands in one herd or drove. These horses are not natives, but descended from the stock brought over by the first Spaniards. Domestic animals, and man himself, become rude, when removed from the associations of civilized life. Hence the figure of speech so often made use of by the inhabitants of Texas, to denote any wild and uncultivated person: *as wild as a mustang!*

These Comanches are perhaps among the most active and skillful horsemen in the world. When they descry an object of attack, or pursuit, they dart forward in a column, like lightning, towards it. At a suitable distance from their prey, they divide into two squadrons, one half taking to the right, and the other to the left, and thus surround it. If in pursuit of the buffalo, (which is called by them, the red man's cow,) they act with prudence and forethought, carefully passing by the females and their young. Not so with the mustang horses; which they either catch and tame for service, or kill for subsistence.

This is the only numerous and powerful tribe of Indians now known in North America: for the Pawnees are descended from a cousin-germanship of the same stock, governed by the same principles, laws, and regulations, as the Comanches; 'who have one head chief and many subordinate ones. They hold regular councils quarterly, and a grand council of the whole tribe once a year. At these councils all important matters are decided, and all prisoners taken for offences are tried. Their discipline is rigid. If a hunting party takes the life of a North American after making prisoner, without bringing him to trial before the council, the offenders are punished with death. Not so with the Mexicans, who are considered, almost in the face of all treaty, as enemies, and treated as such.'

This hatred is fully reciprocated on the part of the Mexicans. Hence the origin of the epithet expressing odium, so general in all parts of Mexico: to denote the greatest degree of degradation, they call a person a *Comanche.* But this name has a different meaning in all Texas; for to pass the highest praise on an American's horsemanship, is to say, he rides like a Comanche!

Such general freedoms as the Indian tribes have taken with the Mexicans, they have not as yet, nor do I believe they ever will take with the American population of the country: although I have, as well as many others, been often led into a belief, by reason of that listlessness displayed by the inhabitants of Texas territory, when called upon to unite and persevere in pursuit of such daring miscreants when they had committed a nightly outrage, that it was surely more on account of the American name, as to what they had done in a national capacity against the Indians, than as to what the Americans of Texas have with effect done against them of the interior, that the citizens of the frontiers were not all massacred in cold blood. For there seldom or never appeared to be a unanimity of council on the methods to be pursued with them. Of course those bold spirits who would have followed them to their mountain haunts, had often for want of support, to abandon their laudable design.

Thus savage insults had to be put up with, too often for the future peace of many a helpless family; leading them to suppose that some time or other, those barbarians would be emboldened by the passiveness of the whites, to proceed from stealing to murder! although they were well convinced, whether they should be alive or not, that such barefaced audacity as entering their settlements in the day time to steal, or into their houses during the night season to kill, would never be suffered long at a time, without the living taking for the dead a fearful and severe revenge! And of that I am satisfied the Indians feel somewhat assured, by the cunning and sagacity they display in their approach and their retreat, when they either design or accomplish a nefarious end.

Self preservation is the *first* law of nature, and self preservation *must* prevail! even in that feeling mind which shudders, when it contemplates the deplorable situation of the red men; who have been, ever since Columbus discovered the Western world, driven from place to place, and from one end of the continent to the other, by *white* *men;* until the small remnants of the once powerful nations are in some degree reduced to the dire necessity of destroying one another, without mercy, that the balance may live a little longer!

Yet so it is, and so it appears it must remain; as no scheme entered into by the philanthropist for their benefit has been as yet, except in a few solitary instances, crowned with success. To my knowledge, the government of Mexico offered to small remnants of Indian tribes, particularly the Carancuhuas and Tonquewas, land and protection upon the same principle as the whites, providing they would go to work upon the soil.

Would they comply? No! no!! They are at this time hovering and skulking about the settlements, in a starving condition, maugre all they can pilfer and steal; as they dare not go aback and hunt, on account of the bitter hatred borne to them by every one of the independent tribes, because of their paction, as they term it, with white men, such as hewers of wood and drawers of water; as the Americans say, 'work and we will give you to eat.' In such a state they are dwindling away, and must soon become utterly extinct!

CHOCTAW TRADITION.

When visiting the Indian villages in the neighborhood of Trinidad river, I met with a singular phenomenon, and spent some time in its investigation: but whether it partook most of the natural, or artificial order, I was not able to determine; though in meeting afterwards with a friendly Choctaw Indian, he labored to convince me that the subject of my awakened curiosity was a combination of both. We took a stand together on a shelf of the adjacent rocks, and the scene of our investigation lay before us. As it would be impossible to follow with minuteness the circumlocutions of the old warrior, I shall therefore confine myself to the leading points of his oration.

"Long before the white men came across the big waters, the Great Spirit had revealed to the red men, that from the far east, the children of the Sun would come rolling on his rays, and alight in their country! Red men would be delighted; they should live together as brothers;

but the children of the Sun should become greedy, until the patience of their brethren was exhausted. Blood would be spilled; the red men would fall before their white brethren, as the leaves of the dry tree fly before the hurricane blast of the angry storm! until the red men would disappear from the face of the earth, as the water of the clouds from the surface of the dry ground.

"A Cazeke, who feared the Great Spirit, and listened to his words, before he laid himself down to die, called up his two sons, Choctaw and Chickasaw, and warned them of their danger, saying, 'Give ear and live! The children of the Sun are coming by the command of the Great Spirit; they will devour the children of the earth, with the ravenous appetite of the wolverine, when it has seized the harmless argali of the mountains. Take therefore your wives and your children, and all that you have; move towards the rising of the sun; and after a journey of three moons you will come to a great river. On its opposite banks you will find plenty of venison, and none to eat it. There stay, and grow up in peace under the protecting wing of the Great Spirit, far from the destruction of your brethren. And see that you fall not out by the way!'

"They listened to the voice of their father, because he loved them; and they hearkened to his words, because he was their father. But as he was to leave them, who had been for a thousand moons, as the light of the sun to the eyes, and as the voice of the Great Spirit to the ears of his people, they asked him, 'what they should do if the white men should come to their habitations on the east of their river of rest.'

"He told them, 'they would come, and afterwards they should teach his children many things which they did not now know; and that they should smoke with them the pipe of peace; while their red brethren who brandished the hatchet of war, should be scattered by the white men, with the rapidity of the ocelot, when it alights amid a company of weasels, disputing over the body of a forest squirrel.'

"The two sons obeyed the voice of their father, and when the days of mourning were over, they moved onward to fulfil his dying injunctions, with their wives and their little ones, in love, unity and peace, until they came to this beautiful spot, where they proposed to sojourn for a time; Choctaw and his people encamping over this ledge of rocks, Chickasaw and his followers taking possession of yon, while that placid little vale lay pleasantly between.

"Nacojack, the son of Choctaw, loved more than he did the apple of his eye, Coosa, the daughter of Chickasaw, who was beautiful as the ocelot, graceful as the antelope, industrious as the beaver, and as playful as the squirrel.

"The lamp of night shone in splendor around, and the gems of the firmament hung over the earth in joy, when Nacojack paid a visit to his beloved Coosa. The shadows of night passed unheeded by, and Aurora found them, before the blush of maiden innocence had left the face of Coosa, as she had consented to become the wife of Nacojack.

"Yalobusha, a great warrior of the tribe of Chickasaw, envying the good fortune of Nacojack, and observing him (as he lay reclined on a shelf of the rock,) emerge from the hut of Coosa, called to the young men of his father's tents, 'to look if yonder grisly bear had not devoured a fawn of the fold, since the warriors had been musing in the shades of repose!'

"The sound of derision filled the ears of Nacojack, like the growl of the puma, when he threatens his prey. The spirit of his anger swelled like the waters of Tezcuco. 'How,' he cried, 'shall the prowling wolf from the fen of Zacatecas, retard the motions of the buffalo?'

"He turned on his heel with the movement of disdain, as a rock from the mound, thrown by the hand of Yalobusha, hit the crown of his glory, scattering the leaves of love's bouquet, (which had just been placed in his hair by the hands of his Coosa,) to the genii of contempt!

"The jeering laugh of exulting mockery, as it rose from the tents of Chickasaw, reached the ears of the young warriors of Choctaw, as they beheld the disgrace of their heroic leader; and mounting the spirit of revenge, they flew on the wings of the wind to retaliate on the heads of his despisers.

"Yalobusha, and the young warriors of his tribe, disdaining to meet such boys except with child's weapons, tore up the fragments of rocks which lay under their feet. The scoff of defiance arose on the peaceful breeze; the combatants thickened to the rescue of their mates. The rocks which had been split by the Great Spirit, were lifted by the demon discord, and thrown at the heads of the children of passion; until the voices of the old men were lost in the hurricane, and the commands of their caziques were sunk in the tornado! For the Great Spirit was angry with his children; he spake in his thunder, and moved on the clouds, sending down a storm of hail-stones, with the forked arrows of his lightning, until the guilty race quivered in his presence. The squaws could bind them with ease; their spirits were cowed; they were odious to themselves. They had offended the Great Spirit, by fighting with their brethren!

"A reconciliation took place among the living; but many were slain; and many wounded, so that they never more were able to leave the sides of their squaws, and follow their brother warriors to the chase, or the fight. Yalobusha, in the melee, sunk to rise no more.

"Nacojack lost an eye, and was disabled in every limb; yet did his Coosa never leave him, but prepared for him his cuscosoo, and provided his mat, as long as he lived—saying, 'O no, my Nacojack!' when he would beseech her to look around upon the young men of her tribe, and waste not her days in unavailing sorrow upon one whom the Great Spirit had humbled in his pride; and whose prayers were odious to his ear, or he would take him to the home of his fathers, no more to trouble his Coosa. 'O no!—Coosa never leave you; Coosa go when you go, to the land where our fathers have gone; for when they rejoice over their son, I must see it, as his squaw, and be happy too!'"

After the old warrior and chief had ended his traditional story, he added, (in corroboration of his statements being of divine origin, so far as to the commands laid on them by the dying Cazeke, before they left the plains of Mexico, to dwell on the east of the Mississippi) 'that the Choctaws and Chickasaws had *never* spilt the blood of a white man!' I was not sufficiently versed in history to contradict him;

perhaps my reader may: if so, still these two tribes have somewhat to boast of, for I believe they have never been at open war with the American citizens.

Be these things as they may, a virtuoso will find that spot well worth his attention; for he would there see a level, green, smooth surfaced prairie, of some quarter of a mile in breadth and half a mile in length, covered with small rock-stones; in some places lying close together; in others more or less scattered. Of the many tons weight of these loose stones, very few are of a size that a strong man might not throw with ease a hundred yards; while under ground there are still fewer of any size.

Examining the grit of these loose stones, and comparing them with the rocks which skirt two sides of this little plain, we find that the grain is the same in both. Nay, farther, we find these rocky shelves split and shivered by nature into myriads of pieces; while some of the loose stones in the very center of the flat will exactly correspond with a fissure of a shelf. What is still more remarkable, there is not a single stone of a contrary concretion to be found, among the many millions this spot contains. Nor can they be met with any where around, except taken from the face of those rocky ridges; as the opposite sides of them are covered with the earth of the higher ground; which gives them in front a singular and picturesque view, as if they were intended for a fence to this—as it ever must be—interesting piece of spotted ground.

BOOK VII.

THE MEXICANS.

NATIONAL CHARACTER.

In taking a retrospective and impartial view of the Mexican nation, we shall find that as a people, they will (at least ever since they expelled their last king, Iturbide,) bear a comparison with the Roman republic, after the expulsion of the Tarquins; much more so, than any other people we are acquainted with at the present day. Witness their *innate* love of liberty, and the internal commotions of their government, occasioned by the inordinate ambition of their leading characters, who are by nature, vocation, and politics, of the most discordant materials ever wrought into the form of a nation, since the days of the *first* Romans; and like them, having been bred and reared in the lap of war, feel a reluctancy to lay down their military power, and its flattering consequences.

In no one thing, however, are the favorers of despotic power more mistaken, than in supposing that they will *ever* submit to be again ruled by a crowned head! or even *long* by an aristocracy. Because, whatever may be their divisions among themselves, or upon whatever principle of republicanism they may as a people disagree, one thing is reduced to a moral certainty: that *no* nation or people will be allowed to interfere; nor *any* State of the present confederation be suffered to withdraw itself *entirely*, by violent means, to a state of independency; or, by its own negotiation *alone*, place itself under the protection of *any* other government.

But, in order to give my reader a just estimation of the actual situation of the Mexican confederation, I shall submit to his inspection historical facts, taken from *public* *documents* and authenticated information, which must, *as they ought*, have far more influence on the mind, than the mere assertions of an individual. As such, they deserve to be diligently and carefully perused; since the United States of Mexico, as they *still* call themselves, are the only neighbors, with the exception of Canada, which the United States of America possess. Therefore, are their policy and feelings highly interesting, both in a moral and political point of view, to an American citizen!

CONFEDERATION.

The United States of Mexico formed their constitution in 1824, upon the plan of the American Federal Union: the deviations are but trifling. Nineteen States and four Territories, these last all in the north, compose the confederation. A President is elected for four years, and cannot be re-elected; with a Senate of two members from each state, and a member of Congress for each 80,000 population.

Every man at eighteen years of age, becomes a voter; no other qualification being required. There is no distinction of property, taxation, or color. Indians and Mestizos, negroes and mulattoes, are equally free citizens and voters. Although negroes are but few, there is a negro general and other commissioned officers in the army. This is considered a great improvement upon the federal constitution of America, which acknowledges *all* men as free and equal, yet allows of negro slavery and Indian oppression.

POPULATION.

The population of the Mexican States is over 9,000,000. It has increased ever since 1794, when it was only 5,200,000; and even during the civil war of the revolution and independence; since in 1806 it was only 5,500,000, although it is calculated that over 300,000 must have perished in these wars and troubles. It is annually increasing, independent of those devastating commotions which have filled their country, ever since 1825; as it was then only 6,850,000.

The present population may be divided as follows:

1. The unmixed Indians, which are about 4,000,000.
2. The Mestizos, or offspring of Spaniards and Indians, about 2,500,000.
3. The Creoles, or offspring of the Spaniards, about 1,500,000.
4. The Washinangoes, or offspring of Indians and negroes, about 1,000,000, including the mulattoes of white and black blood, and many of mixed origin.
5. The Negroes, about 100,000.
6. The Guachupins, or Spaniards born in Spain, now reduced to 10,000. They were 80,000 before the revolution and late expulsion.
7. The Esteros, or strangers of various nations, English, Scots, Irish, French, Italian, German, Americans, &c. &c., about 30,000.
8. The Texian colonists, independent of those Spaniards, Indians, and negroes who reside among them, 35,000.

POWER.

This relative population evinces that the Indians and Mestizos form the bulk of the nation, and now having equal rights, are surely to *rule it* at a future time. The Guachupins were once the rulers; the Creoles have succeeded them, and have been compelled to admit the Indians (whom they nicknamed *irrational!* calling themselves *rational!*) to equal rights, in order to carry on the struggle of the revolution, which could not have been accomplished without their assistance. But, they foresee that power cannot last long in *their* hands, and wisely try to amalgamate the castes. None but the most deluded try to stem the current of irresistible number, power, and future sway.

These Indians (*remember*, not the northeastern Indian of degradation and, often, wrongful oppression, but the southwestern Indian of honor and growing esteem) are by far better than the Spaniards and Creoles in many respects. They are gentle, industrious, honest, and kind. This applies to the bulk of them, who are nearly all cultivators. Those who live in the cities, or near them, are more or less tainted by the vices of the Creoles, and exceed them in their thirst for pulque and aguardiente; while far from the towns they are quite sober. Intoxication, however, has not the same effect on them as on the north-eastern tribes.

Pulque, or the beer of Maguey, is not stronger than spruce beer, and merely renders them heavy or stupid. The aguardiente is a bad kind of Spanish brandy; it makes them rather sullen, seldom noisy, and never outrageous. But it is not in the vicinity of towns that they must be judged; it is only in their villages and fields, that they can be seen to advantage, in their genuine simplicity and worth.

Their physical character is somewhat different from the north and eastern tribes. They are commonly of a ruddy complexion, rather small; the highest men seldom exceeding five and a half feet. Many have aquiline noses and large eyes; there is, however, much diversity, according to their tribes. In Zacatecas and the mountains, they are as white as the Creoles, and the women are beautiful; whiter than the Creole ladies, and ever with rosy cheeks.

The Indians make excellent soldiers, both infantry and cavalry. Before the revolution the Spaniards did not allow them the use of fire-arms: they who are capable, are now all armed and trained as militia. They feel their strength, and yet do not abuse it: the Creoles at least are the leaders in nearly all the strifes and civil commotions. By the military laws put in operation, during the war with Spain, and which have seldom been interrupted, all citizens, the Indians of course included, must serve three years in the army—from eighteen to twenty-one.

Each state has an army, from which a rate is sent to the Federal army, now limited to 25,000 men. After these three years of active service, they are enrolled in the militia, and allowed to return home; but liable to be called up again at any emergency. Thus a formidable army and militia is formed, mostly native Indians, who may be called upon to perform important actions in future. God grant that they revenge not the wrongs of the Indian race, upon the posterity of all their oppressors, from the north to the south. Thus the descendants of the ancient Mexican and other tribes, subdued by the Spaniards, and either enslaved or made abject vassels, are become freemen! Every village has an Indian alcalde or chief, now elected every two years. In the villages where hereditary chiefs or caziques were retained, they are commonly re-elected every time, being so much respected by their people.

WORSHIP.

After the alcalde the curate or priest is the principal man: he is named by the bishop. Many of them are Indians also; but when so, they enter into all the feelings of their flocks, not like the former Spanish, and present Creole priests, who are often tyrants yet, or at least strive to fleece and amass money in any way. For instance, they used to charge twenty dollars as a marriage fee to the poor Indians, whose wages were only twenty-five cents per day: whence arose the practice of cohabiting without leave of the church, and thus compelling the curate to marry them gratis, to avoid the sin and scandal. As yet in many districts, the priest exacts three dollars a year from each Indian, to defray his future burial! But the hold of the church over the Indians has never been complete, and is now fast wearing away. One of the principal reasons for which the Catholic religion was made exclusive, was the fear of *all*, or nearly all the native population relapsing to their ancient religion! They all more or less lean towards idolatry. The worship introduced by the Spaniards, was only a different kind of idolatry. The Indians called the Spanish saints the *Idols of the Guachupins*, (a contemptuous name for the Spaniards,) while they call their ancient gods, the *Idols or Saints of their Ancestors*. In remote villages they keep both kinds of idols, and crown with flowers their ancient ones in preference; praying to them in secret. Nay in some parts, the worship of the rising sun is privately preserved; as many Indians despise their curates, whose life, especially in remote places, is seldom without blemish, often indulging in concubines, and even polygamy, which the Indians seldom do. Moreover, the curates of Indian blood, have a secret longing to substitute the old idols for the Spanish saints: and when a religious freedom shall be proclaimed, which *must* happen at some future period, one third perhaps of the Indians will return to the solar worship and idolatry. Then missionaries of a more rational religion will have an ample scope to enlighten these deluded men.

INSTRUCTION.

As to instruction, it is very low as yet, but a change is fast approaching. Although the Spanish is become the general language of the Mexicans, yet many Indians retain their own languages: many others speak no Spanish, and but few speak it altogether. This will impede for a while the diffusion of knowledge. Though all ought to be taught to read and write by the priests, and Lancasterian schools which have been established in many places, yet their elementary instruction is often neglected. And as few or no books are printed in the Indian languages, it will even avail little with many till all are taught Spanish.

NEGROES.

Slavery has been happily abolished, without difficulty. The negro and mulatto slaves either left their masters in the war, or were freed by them. In all the sugar plantations this was found very advantageous to the owners. One hundred free negroes, though receiving double wages to the Indians, are found to produce as much sugar, as two hundred do in Cuba, without the owner supporting their wives and children; or to produce from 500 to 700 dollars each in sugar, at a mere salary of 150 to 200 dollars. These negroes are, however, overpaid, and are in consequence become drunkards, vicious and unruly. Indians, properly taught, would perform the same labor at half price.

MIXED RACES.

The Indians dislike the negroes, and yet intermarry with them without difficulty. Their offspring, called Washinangoes or Zambos, are very hardy and clever, but rather cowardly. However, they appear to be best calculated to bear the pestiferous climate of the low lands, and are not liable to the black vomit which there attacks the whites, the Indians, and even the negroes.

The Mestizos (or half-breeds, as called elsewhere,) unite the good qualities of their respective parents. They are handsome, active, industrious, and gentle: while the females are often handsomer than the Creoles.

WHITES.

Three kinds of whites are now found in Mexico. Those not born in the country are politely called *Esteros*, or strangers, when they are not Spaniards. The bigoted Spaniards and priests, once called *all* the heretic strangers, English and Americans, by the name of *Judeos*, or Jews! but the impression is wearing off. The Indians like these strangers, provided they eat, and drink, and act as they do; and have an impression that they are of the ancient Mexicans, carried off by the Spaniards. If they learn their language, they are at once called brothers, and treated as such. In five years they become citizens, and never find any difficulty to marry Creoles, if they are Catholic, or conform to a few observances: and among the Indians, their alliance is deemed an honor at any time. The North Americans were once the most beloved and favored nation; but the English ascendency, and *late* occurrences have completely changed the scale! The French and Italians, being Catholic, are very soon amalgamated. But the pride and behavior of the English are seldom acceptable; though their money and talents have a great influence in making them respected and feared.

Guachupins and Spanish born are synonymous in Mexico. This name now implies a bitter foe; and is equivalent to the name of tory and loyalist, in the revolution of North America. Eighty thousand of them monopolized throughout the Mexican states all the offices of trust or profit in the government, army, and church, until the late revolution—or deliverance, as it is called. Their alliance was courted by the Creole ladies, who married them for the pride of wealth and power; but often taught in secret to their children to despise their fathers. Now they are openly detested by their own children! Their wealth gave them great influence during the revolution; and even after it, they formed a dangerous party in the state; so that their late expulsion was neither a cruel nor unjust act, but politic and perhaps indispensable. They had been treated more mildly than the loyalists were in North America. They were only expelled or exiled, until a peace should be proclaimed between the republic of Mexico and Old Spain. Their estates *have not* been confiscated—as those of the loyalists—but given to their wives and children: and they were allowed to take away *all* their movable property. This was perhaps wrong. They took away 140,000,000 of dollars out of the country, draining it of this immense capital; and employed part of it since, in the last Spanish invasion. This capital ought to have been sequestrated till the peace; or used as a loan to the state.

The Creoles have been in power, ever since they drove the Spaniards from their situations. They occupy nearly all the offices; sharing, however, many with the Indians, who are gradually becoming the majority in Congress, and in the State Legislatures. The two classes are merging or blending under the revived national name of Mexicans; but the wealth and knowledge of the Creoles will perhaps balance for a long while the numbers and votes of the Indians. The Mestizos, though siding with the Indians, form a mutual link of some influence between the above two classes.

Many qualities and defects, are blended in the Creoles: they are amiable, gay, and active, but vain, fickle, and deceitful. They boast of being as wise as the Greeks, and as brave as the Romans! They are too lazy to work, but very bustling in every thing else: too fond of gambling, smoking, and carousing, but sober, abstemious, and generous; liable to warm passions and excesses, but prone to friendship and liberal sentiment; seldom revengeful or cruel—often forgiving and magnanimous.

The lower and poor sort of Creoles, however, called *Leperos*, in the towns, are much worse, vicious, lazy, niggards; too proud to work or beg; fond of cheating and pilfering; ignorant and quarrelsome. Yet they make good soldiers, and colonists, when they can hire servants, to work for them; or miners when they can get a mine;

or cattle drivers, muleteers, &c., when they can own cattle and mules.

The female Creoles are rather pretty, captivating, and amiable; but indolent, ignorant, superstitious, and extravagant; and still addicted to the vice of smoking. Ostentation, vanity, and love of change, are also among their prominent traits. Confessors *easily* forgive peccadilloes, and are very indulgent for the fair sex! Some, however, become excellent wives and mothers; and even the *worst*, after the days of dissipation, return to propriety, decorum, and moderation.

POLITICS.

Mexican politics and political parties have often changed, during the course of the revolution, *and since*. They were at first Patriots and Guachupins; next Republicans and Imperialists; latterly Federalists and Centralists, under the nicknames of Scots and Yorkinos. But ever since 1830, two great parties have sprung up, much more likely to divide the whole population; while formerly Creoles and Spaniards were the main partisans. These two new (or rather very old) parties are, the Country party and the Creole party, each subdivided into some factions.

To understand properly their views and aim, we must fall back to the time the Mexican states were yet at war with Spain, their independence not yet acknowledged, and their system of self-government as precarious and fluctuating as it was in the United States between 1783 and '89, even after the peace with England.

The Country party, calling themselves patriots and old Mexicans, are the most numerous, including nearly the whole Indian and mixed population. They are nicknamed *Gentes irracionales*, or irrational folks, by the Creoles; whom they call in return *Sons of the Guachupins*. This party, although comprising the bulk of actual ignorance, reckon many enlightened men. They hate and detest the Spaniards, calling them invaders, despoilers, tyrants; denying their ever having been conquered by them under Cortez. They say their ancestors the Mexicans were overthrown by their foes the *Tlascallans* and their allies; among whom were a handful of Spaniards, who spread terror by fire-arms, and after the destruction of their ancient city Anahuac, (now Mexico,) disarmed all the Indians; slew their nobles, their priests, and their warriors; destroyed their temples, saints, and books of all kinds; took to themselves *all* the wealth, land, and *noble women;* reducing the people to abject ignorance, cruel vassalage, and imposing upon them new saints or idols. But now these tyrant Guachupins *are expelled*, the Creoles being Mexicans like themselves, sons of the *noble ladies*, stolen by the invaders, they form only one nation; and the Indians being restored to freedom, the use of arms and equal rights, they ought to be allowed freedom of worship, a greater participation in offices and emoluments, with a general education. And they also demand the correction of many abuses; *above all*, the reform of the church, army, and finances. Such reasonable requests may be delayed by the Creoles in power; but the Country party *will sooner or later prevail*, and rule the country.

The factions among the Country party are merely differences of opinion on some points of policy; and the Creoles endeavor to split them into new parties, so as to weaken the whole. Thus some think that peace ought *never* to be made with the Guachupins or Spain, no money paid for the acknowledgement of independence, and no Guachupins allowed to settle again in the country, after the peace. This feeling was pretty general: their opponents called them *Anti-Guachupins!*

Another section wishes to confiscate the *whole* church property, to pay the debts of the state, and abolish all the exactions of the priests, paying to them a moderate stipend. This sentiment has many partisans in the army, and even among the Creoles; but the priests and the priest-ridden call them *all infidels.*

A third section of these patriots wish to establish a general land tax, so as to form a permanent revenue. But the great land owners, some of whom hold immense estates, and have great influence as yet in the government, strenuously oppose this salutary measure; which might compel them to parcel and sell many estates, but would provide a fund to pay all the expenses of government, interest on loans, arrears of the army, &c. Thus as yet, while monopolies, stamps, and lotteries are resorted to, and the income always falls short, the whole landed estates *are untaxed*. The second party, or the Creoles, often calling themselves the rational, or wise folks, rule the country, and that too at present by means of the generals and bishops, nobles and land owners, priests and monks, judges and lawyers, monopolists and office holders, who are mostly Creoles. But in the army of the states, legislatures, and professions, the patriots have a majority; nay also among land holders. But the Indians have only small farms and gardens, while the Creoles often own princely estates of 50,000 or 100,000 acres!

They affect to despise and hold in contempt the Indians, accusing them of ignorance, stupidity, and many vices: but they know that these very vices are such as enable them to mislead and govern the Indians, and acquire their aid and support, whenever specious patriotic pretexts are offered. Many liberal Creoles are uniting themselves with the Country party; and others will follow when they find that they *must* yield.

Thus the Creole party is divided into several factions. First, the *Aristocratic*, wishing to support the church and land holders in *all* their immunities. They are also called *Yorkinos* and *Anglicans*, because under English influence, and leaning towards European connections. Nay, some of them have yet a secret longing for the *paternal Spanish sway!* This party ruled the country, after the overthrow of Guerrero by Bustamente. The second faction of this party, called the *Centralists*, wish to abolish the federal constitution, and form a central government. Many members of the army and church belonged to it, and found it needful to support Bustamente against the patriots. The liberal Creoles, the old Imperialists and the Spanish party (for there are yet some loyal Creoles,) are as many other sections of this party. The two last are of little importance, neither feared nor to be feared; but the liberal Creoles, who are daily increasing at least in number, will soon throw a great weight in the scale of the Patriotic party.

The faction which, instead of a party, now govern *with no little power*, are the Aristocrats and Centralists, in opposition to the Country party, or Patriots and Old Mexicans. The Centralists are supported by the Aristocrats, and headed by Santa Anna, a soldier of fortune, or rather a fortunate soldier! ambitious, cruel, and avaricious —bold, artful, and enterprising; a man who has been as often made use of to pull down an administration, by those who hate and despise him, as by those who love or fear him. He had it in his power, after gaining the confidence of the Republicans (although they remembered he was an Imperialist) to emulate a Washington! after the fall of the too aristocratic Bustamente's administration. But his six qualities having been crowned by a seventh, talent—supported by circumstances, the *pedestal* on which stand the fortunes of men! he has chosen to imitate a Bonaparte. And his fall will be different, although equally disastrous.

Towards the North Americans, the actual administration under Bustamente, and the present administration under Santa Anna, with two thirds of the balance, bear no good will, but rather distrust and dislike. They complained on Poinsett's meddling with the politics of the country, and of his insulting the nation, by offering to buy Texas, a federal territory, *unalienable by the constitution*, of 160 millions of acres, for ten millions of dollars, or six cents per acre: and that, when he found his offer objectionable, he further insulted the Mexican nation by offering a loan of ten millions, as a pawnbroker would, upon the pawning of Texas until repaid; which insidious proposal, said they, was meant to fill the country of Texas exclusively with Americans and slaves, and to hold it afterwards at any event—the United States never meaning to restore it!

This was deemed even by the patriotic party, who were great friends of the Americans and Poinsett, an insult similar to an offer of the Mexicans to buy or pawn Louisiana or Arkansas, if made to the Congress of the United States.

They now complain as they did then, that citizens of the United States encourage the excursions of the Comanches and other predatory tribes against New Mexico and Texas; furnishing them with arms, buying their spoils, stolen horses and mules, yea even *Mexican freemen*, who are bought as slaves, and some mulattos and Indians, held as such in Louisiana. And that the United States, by invading gradually *all* the Indian lands, and removing the Indians on the borders of Mexico, commit a *great injustice*, and lay a foundation for future troubles and quarrels with Mexico; further evinced, by their perfidy towards Indians in the south and west; breaking solemn treaties with them; leading the Mexican nation to believe, that they *will not* deem sacred any treaty made with them, whose population are similar to the persecuted Cherokees, Creeks, and Choctaws.

Their complaints now, whether just or unjust, are, that American emissaries have been and are still suggesting to the Texasians, to rebel and declare Texas independent of Mexico; or even ask a union with the United States who will allow the bane of slavery! And that the adopted citizens of Mexico will be supported in their turbulent disposition, manifested so unequivocally in 1835, as Barradas was in 1829, whose troops were chiefly carried over from Cuba to Tampico in North American vessels, and some disabled ones allowed to refit in New Orleans, the Spanish troops well received, recruited and actually sailing from New Orleans to invade Mexico! These subjects of complaint have been artfully fomented by the English agents and party. A cry was once raised for war against the United States, a loan of two millions was offered to carry it on—to invade Louisiana, *declare all the negroes free*—expel all the American settlers from Texas, granting it exclusively to its foreign settlers, &c. Even the patriotic party and friends of North America were staggered. Nothing is more calculated to alienate them, than the treatment of Indian affairs in the United States. These two nations, which ought to be natural allies, were thus on the verge of becoming foes! However, the prudence of the administration and the unsettled state of internal affairs prevented actual hostilities.

The American government at that time hushed up the affair of Texas, recalled Poinsett, and evinced symptoms of conciliation. A treaty of commercial arrangements was entered into, and happily concluded, to the satisfaction of all parties. But the influence of those feelings, aroused in the minds of the Mexicans, has been so great, that the Americans, who were the *most favored* nation, have ceased to be such; and their merchants, captains, travelers, settlers, &c., have been often insulted. The English merchants have availed themselves greatly of this, to increase their customers. Formerly, the North Americans were welcome *any where*. Now their situation is precarious in Texas, and even in the city of Mexico; as they believe every advancement made by an American to a Mexican, has some sinister motive under it, prejudicial to the advantage of free trade.

In any future contest with North America, the Mexicans think that they will be quite a match for their northern neighbors. It happens, say they, that the nearest states to Mexico have a large slave population, which it will be very easy to rouse by an offer of complete freedom: also the borders of the two countries are filled with Indian tribes, driven by the United States, and very unwisely concentrated in a vulnerable point, which would join the Mexican soldiers, who are nearly all Indians.

The Mexican population will soon equal that of the freemen of North America. They are becoming warlike, and the table land population has no dread of a colder climate. This does not imply that the Mexicans ever mean to make conquests; but they can and will retaliate if attacked or deeply injured!

It is an important fact, that the whole population of Mexico is free, and increasing, notwithstanding all the checks from civil war and struggles, domestic quarrels, and local difficulties. There is no slavery to weaken the social system; and nearly all the Indians are cultivators, except a few straggling tribes in the north and northeast. The various ancient nations of different speech, have all blended under the proud name of Mexicans, and possess unanimity of national feeling.

Thus the Mexicans start into the rank of independent nations with double the population, at least, of the United States in 1783, and with *thrice* as many freemen. These freemen have increased two millions between 1825 and 1835, or one in seven every five years. This would double the population in thirty-five years; and how much less, when peace and security shall be established.

A striking fact to prove this may be found in the state of Michoacan, (the cradle of revolutions, and which has most suffered) having increased, by actual returns made, from 365,000 in 1822, to 450,000 in 1827, or 85,000 in five years; at the rate of nearly 25 per cent, which would double the population in 20 years. Thus it is not unreasonable to suppose that, in 1850, the Mexicans may be fifteen or sixteen millions; and in 1870 perhaps thirty millions, which the North Americans can scarcely exceed then, even with their slaves.

FINANCES.

We must acknowledge that the finances of the Mexican people, were in a wretched state for many years, and are not much improved yet; but the same was the case in North America, between 1784 and 1789. It may even be asserted that there is hardly any system of finances; and yet the country offers the most ample means to build one, if able hands could manage them, and a Hamilton be found. The Ministers of Finances have all been unskillful or greedy, and during the revolution every thing was disorganized: the mines and mint almost suspended: collections became difficult; the capitation tax of the Indians, which produced about 1,500,000 dollars, was very properly abolished; and every thing was thrown into a confusion, from which it has not yet recovered as it ought. Before the revolution, the revenue of Mexico was about twenty millions of dollars; of which half was sent to Spain, and half spent in the internal administration. In 1828 the federal income was only about fourteen millions, all spent in the country; and yet the army, interest of loans, and every thing else were in arrears. The state taxes and revenue were independent of this. This federal revenue arises from customs and the mint; monopolies of tobacco, salt, pulque, and gunpowder; lotteries and privileges, the post office, stamps, and tolls, &c.

These are the ordinary means. The extraordinary ones are loans, contributions, donations, confiscations of the property of exiled Spaniards who have taken arms again; and lastly repartitions, or the contingent of each state to make up deficiences, which is seldom paid in time. The state taxes are light, chiefly raised by local monopolies and excises or tolls, in the towns.

All the monopolies are farmed to insure collections. That of tobacco and snuff has lately been granted to English capitalists, who give annually two millions for it. Many other branches of revenue are also farmed, and even the custom house is nearly so, or at least so completely in the hands of the officers that they control it, taking good care to pay themselves first. Exactions, briberies and compromises for smuggling, are by no means uncommon: nay, they have a very absurd and vexatious privilege, to buy up any imported goods at cost, which are invoiced too cheap. Monopolies, although deemed obnoxious, are preserved, because they form the only certain revenue, all the other branches being liable to great fluctuations.

Loans have been precarious, and afforded only a momentary relief. The two English loans united were £6,400,000 sterling; yet they produced only twelve millions of dollars in Mexico, while interest is to be paid on nearly thirty millions. Thus interest being suspended, no other loans on better terms can be obtained. Thus the Mexicans have lost their credit abroad; while they could easily raise a revenue of twenty-four millions, which would be only three dollars upon each individual on an average.

Land, property, persons, and the whole church are untaxed; while a general land tax, or a general capitation, might save the country: but the rich oppose the first, and the poor the second plan. A judicious medium is yet to be found. The holy church, owning one-fourth of the wealth, is not yet to be touched. High duties on imports, (which lessen their consumption and customs,) are the only available and popular incomes; because they are little felt by the poor, who consume few luxuries, or by the rich, who get every thing so much under the Spanish prices. No country has more need of one or more banks than Mexico, where so many metallic transactions take place; but the idea of a bank is yet unpopular, because the parties distrust each other, and fear the abuse made of them in the United States. The people are afraid of paper money; from which they have happily been preserved, notwithstanding the attempt of Iturbide: and thus they are so far better off than the United States in 1783.

Many other financial resources could be stated or found, but the sale of public lands is beginning to draw peculiar attention.

PUBLIC LANDS.

The Mexicans have one thousand millions of acres of good land, besides as many of barren land, to sell, independent of Texas; which, at the assumed rate of forty cents per acre, may produce in future from three to four hundred millions of dollars.

Thus they will sell land cheaper than the United States, and at a longer credit of six years. The one-half of this land is suitable for sugar and cotton, and all useful staples may be cultivated by freemen. And any poor man, white, red, or black, can buy it *without a cent in his pocket*, and raise enough on it before the price is due to pay the small cost, and be wealthy to boot! This leads me to take a survey of Mexican agriculture.

AGRICULTURE.

No country is more favored by nature in this respect. Low-lands and table-lands, from Texas to Yucatan, can produce every production of the globe—sugar, coffee, and cocoa, as well as cotton, wheat, and wool; besides the peculiar staples of vanilla, jalap, cochineal, &c. A farmer or settler has only to choose and consult his own convenience, or abilities; and if industrious he is sure of wealth and comfort. In the settled parts, Indian laborers are easily procurable: twenty-five cents per day, are the average wages of their free labor. But there the land is all in the hands of the aristocracy. Some of them own estates as large as a county in the United States. If they could be induced to parcel them on long leases or ground rents, they would become richer still, and as many wealthy patrons, like the Rensselaers of Albany, in New York: while the land would be filled with farms and gardens, as it is in Oaxaca, the ancient estate of Cortez, and other places, whose Indians are land holders upon a moderate quit rent, such as the fue rents in Scotland. These estates are variously appropriated: some are mere cattle farms of vast extent, while others are immense sugar plantations.

Sugar, coffee, and cotton can be raised cheaper than in the United States, or in the West Indies, and that by free labor too; but owing to the civil troubles, not enough is now raised for the home consumption; and some is still imported from Cuba, Jamaica, and Louisiana. The bad system of fallows is yet universal: three-fourths of the large estates are thus kept, and one-fourth planted by turns in the annual staples.

Plantations of coffee trees, olive trees, grape vines, and other permanent cultures, are but few as yet: oil and wine are, however, made. Cocoa, maguey, vanilla, and cochineal are also perennial staples, well cultivated by the Indians in some districts. The other agricultural products are indigo, pimento, tobacco, aloes, maize, wheat, pulse, &c.; besides the great animal staples of cattle, mules, horses, sheep, goats, wool, hides, wax, honey, &c. &c. Rice, silk, and a few other productions, are little known, but might be very easily introduced. Irrigation is well practised, even by Indians, but manures are unknown.

Maize, or Indian corn, is the chief food of the Indians, (with chocolate, and fruits,) and eaten in the shape of tortillas, or flat cakes—pronounced *tortees*. A Mexican laborer or soldier, can live upon the daily value of two cents! The produce of maize, is wonderful: an acre has been known to yield two hundred bushels; and some stems are twenty feet high, with five or six large ears on them. Wheat only grows well on the table land, but there commonly yields twenty-five for one; while in Europe only twelve on an average; and in Kentucky, on the best of land, only twenty-two for one. In the irrigated lands of Mexico it has been known to yield from forty to eighty for one! To produce one million pounds of sugar, only one hundred and fifty laborers are required—one hundred men and fifty boys—while three hundred are required in Cuba and Louisiana. The production of Mexican coffee is still easier: twenty men can attend to 200,000 trees, which produce an average of 300,000 pounds weight. Women and boys do the picking, cleaning, and preparing. This free labor will sooner or later supersede the need of colonial slave labor; and slavery may cease by becoming useless and unprofitable.

COMMERCE.

Although the Mexicans will chiefly become a great agricultural nation, commerce will follow as usual in the train. Between two great oceans, they will turn their attention, after peace and tranquillity shall be restored, to greater intercourse with Europe, North America, China, and the East Indies. At present the whole trade, as one may say, is in the hands of strangers, chiefly English and North Americans. Of the vessels that entered Vera Cruz in 1826, only six hundred and twenty-six were Mexican; and all coasting vessels; four hundred Americans, ninety-five English, and fifty French. The English have now more vessels in the trade, than all the rest put together. Several ports are open in the east and west shores; yet it is said that the imports and exports have fallen in amount since the revolution. This may be ascribed to the cheaper value of the imports, and the less bullion exported.

MINES.

Mexican mines are indeed much fallen off, and no longer the same source of wealth as formerly; though three great impediments were removed at the revolution: first, the duty on silver and gold was reduced to three per cent.—it was ten per cent. before; secondly, quicksilver for amalgamation has been made duty free; thirdly, several local mints have been established. Formerly all the bullion was to be coined in Mexico alone. Besides, foreign capital and machinery were introduced, but could not compensate for the Spanish capital withdrawn, (which was one hundred and forty millions,) and the local difficulties of insecurity, prejudice, inexperience, want of fuel, &c. &c.

In 1823 was established the first English mining company. They are now ten: English seven—North American two—German one. They have spent 12,000,000 of dollars, or more, in draining old or exhausted mines, instead of seeking for new ones; introducing useless and expensive machinery; and importing miners from England, who are of less use than the Indians. The result has been, that all these companies (except perhaps the German, which was more judiciously conducted,) have failed in their expectations of great wealth, and sunk a vast capital. Some mines were not drained, after five years' labor from the commencement of their attempting them; producing then but little silver. Of course they became discouraged.

But the mineral treasures of Mexico are not exhausted. Three thousand millions of silver have been drawn from them in three hundred years, or an average of ten million dollars per annum. As much remains, if not more; but it must be sought for, and the practical mode of the Indians resorted to again. In the single smaller mint of the patriots, in Zacatecas, they coined fifty-four million of dollars between 1810 and 1827, in the midst of a cruel civil war. It is expected that in 1836, if peace and quietness should prevail, twenty-four millions of bullion may be produced in all metals, as before the revolution.

It has lately been ascertained, that the great mineral wealth extends far to the northwest, beyond the supposed limits of latitude 24, and much beyond Sonora; and there the ores are richer, yielding six per cent. of silver, while in the south they hardly give two per cent.

MANUFACTURES.

Mining has been considered as a lottery, but in Mexico it is rather a *manufacture of bullion*. A great deal depends on a good location. In old mines the working is always half of the amount or more. The baneful system of the *Mita*, or compulsory labor of the Indians, at the mines of Peru, was never introduced. The usual mode latterly, was to work on shares, the owner allowing half the silver to the Indian miners: this they liked well, because it gave them a chance of great profit. The mining companies will be compelled to return to this plan.

Sugar making is also a complicated manufacture, in which the Indians are likely to supersede negroes. Brown sugar can be produced by them at the low rate of one cent and a quarter per pound. In Cuba the lowest rate is two cents, and in Louisiana three and a half cents per pound. There a negro slave only raises 4,000 pounds of sugar: in the fertile soil of Mexico an Indian can actually produce 8,000 pounds yearly.

The manufactures in which the Indians excel, are jewelry, sculpture, carving, and all the ornamental arts; they are also good painters, musicians, masons, &c. They make beautiful and wonderful vases, similar to the admired Etruscan vases of antiquity; toys of all kinds, wax figures, feather mantles and mosaics, masks, ornaments, saddles, cotton cloth, ornamented cloaks of great value, &c. They are susceptible of being taught any other art, being skillful and industrious in all their pursuits.

All kinds of European manufactures were discouraged or forbidden by the Spaniards, and the late struggles have not allowed yet of their turning much attention that way. The English and foreigners have also supplied all their wants at so cheap a rate, compared with former prices, that they have not felt the need of a change. But a change must happen when trade, commerce, good roads, and manufactures will be attended to: every thing almost, is yet to be created in that way. Planters and manufacturers will realize in Mexico greater wealth than the miners! The Creoles disdain all kinds of handicraft: they apply themselves merely to agriculture, trade, and professions. Foreign mechanics have therefore ample scope. Even tailors, shoemakers, carpenters, and smiths, can realize two to four dollars per day, while Indians are content with twenty-five cents.

Clothing of all kinds is very dear. Hats, coats, shoes, shirts, &c. are the best articles to import: the next are iron, hardware, hosiery, glass, paper, silk goods, dry goods, woolens, &c. The French wines have superseded the

Spanish wines. The first manufactures needed in the country are paper, gunpowder, hats, glass, arms, woollens, &c.

LAWS.

The laws of the country are mild. All crimes are judged by the Federal Courts; the State Courts having only cognizance of civil suits. A Federal attorney watches in each State over the local laws, so as to prevent any unconstitutional infringement: this may be deemed an improvement upon the federal system of the United States. Trial by jury has not yet been established, because the people are not quite prepared for it. But there is no imprisonment for debt—the shame, in so many states, of the Federal northern Union! Credit is low, because the country is so unsettled, and because payment may be postponed a long while by lawyers, and by bribing the officers of the law. Indeed, bribery is a glaring evil in the whole system of government, borrowed from Spanish precedents and practice; something like what the United States borrowed of England, to put debtors in jail and keep them there, for simple debts only.

ARMY.

The standing army is another evil; but it was needful while the war with Spain lasted. It is now a tool in the hands of the ambitious and turbulent. In 1827 the whole army was 35,000 men, with 30,000 reserve; besides 10,000 militia in activity, and 25,000 in reserve. But these 100,000 men were scattered through such an extent of territory, that it was not easy to collect at once a large force to oppose the invasion of Barradas.

In 1835, the actual army and active militia was 200,000 men, of which 50,000 formed the federal army, and 150,000 belonged to the states, being supported by them. They are independent of the enrolled militia, which is calculated at 800,000 men. Thus the Mexican confederation have a disposable force of 1,000,000 of men, inured to the use of arms! This calculation is made independent of their *adopted citizens the Texasians.*

The federal army is furnished by rates from each state:

the pay is enormous, and a great source of expense. Each soldier of infantry has $1 25 per day, and in the cavalry $2; the officers have proportionate large salaries. This makes every one anxious to enter the army. But the soldiers have no rations; they must clothe and feed themselves: the states furnish nothing but arms and ammunition. The horsemen must even provide their own horses; but a horse can be had for fifteen to twenty-five dollars, and a Mexican soldier can live upon four tortillas (or johnny-cakes) a day!

However, this high pay is always in arrears, being difficult to collect; and soldiers seldom receive any thing, but new clothes when they are in rags, and these charged to them at an extravagant rate. As to their food, they are often compelled to borrow, beg, or levy it, by military contributions. They are cheered, however, by the love of country and liberty, with the actual privileges which they possess over the peasantry; such as not being amenable to any tribunal but court-martials—promises of land, plunder, &c. The army is altogether liberal, but very turbulent; there are too many officers and generals who want to cut a dash, and strive to acquire wealth and fame.

CHURCH.

The Mexican church and clergy may be deemed another evil indeed, because they monopolize in a few hands so much wealth and land. One archbishop, nine bishops, and about 5,000 churchmen, form the secular clergy, including the Indian curates; besides monks and nuns, in one hundred and fifty convents and nunneries, chiefly Dominicans, Franciscans, Carmelites, and Augustinians. These leeches, as many call them, possess estates, property, and income, to an immense amount, *all untaxed*. They have also the management of all the *obras pias*, or pious legacies for benevolent purposes, said to amount to 25,000,000 of dollars, mostly lent on mortgages; besides nearly 30,000,000 lent to Spain before the revolution—which became a claim at the peace. The whole army is against the church, and claim their useless property to pay their arrears. The leaders alone, who fear without loving the clergy, have heretofore restrained this feeling; more particularly since their idol general, Lopeas de Santa Anna, has glutted them with plunder from another source!

The Spanish monks and priests, who were the most dangerous to the state, have all been expelled: the Creoles have taken their place. There had always been a jealousy between them, and now they triumph; but the old monks having taken hold of all the lucrative possessions, wallow in wealth, while they try to keep under the young monks, by allowing them merely three dollars per month for their pocket money.

Nuns are diminishing: very few have become so of late years, and no young ones; only a few old women tired of the world—or rather dissipation. Young monks are more common. The sons of Creoles embrace the profession, as a wealthy, indolent mode of life: for monks have few restraints. They go out any where, frequenting even gambling houses, theatres, and places of amusement. Their morals are very low: thus they are despised. The Creoles and Indians are wavering in their former respect, and even in their religious belief.

Nothing can better show the state of the public mind on this score, than the fact, that books against the Catholic religion are openly printed and read even by the monks. Yea, the *Citateur* of Le Brun, a work ridiculing in the most open manner the whole national belief, was translated, during the ascendency of the Liberals, and printed at the government press. Every body laughed with it, and the monks joined in the laugh: therefore, it was evident that the government wished to pave the way to a gradual religious reform and liberty of conscience. These things are sinking deeper and deeper into the hearts of the people, and will prevail. The church property, if taken or borrowed by the nation, might lay a foundation for credit and prosperity; but if it is wasted by the military, it may as well be let alone.

All the clergy are, like the army, subject to their own peculiar tribunals only, and enjoy many other immunities: there is then a kind of tacit union of church and state. The army and church, although secret foes, find it convenient to support each other. The first attack has begun with the States; and in all probability,—nay proofability, will before a great while succeed in *toto cœlo.*

STATES AND TRIBES.

Although those states forming the Federal Union are very various in climate, soil, productions, population, and views, the most populous is the central one of Mexico, which has 1,500,000 citizens: it was only about 1,000,000 in 1828. The capital is Tezcuco, the city of Mexico itself being the federal city only. The smallest state and least populous is Tabasco, having only 60,000: it may be compared to Rhode Island in the United States. The state of Durango is the only one which has a population nearly all white, of 200,000.

The different Indian nations are scattered in all the other states: they only differ in speech, and are mostly cultivators, one-tenth part only being miners, mechanics, fishermen, shepherds, and soldiers. The Aztecas are the most numerous; next the brave Tarascas of Mechoacan, who began the revolution; the handsome Miztecas of Oaxace, who are called the Circassians of Mexico; besides the Otomis, Zacatecas, Huastecas, and many more: while in the north are the Mayos, who have a population of 75,000. Their chief town has 15,000 in it. The Opatas have thirteen large towns in Sonora, and form two-thirds of the population. The Yaquis made war on the Spaniards till 1825, and now their king is become a federal chieftain, General Cienfuegos. General Salvador was also once king of the Opatas. All these are very clever, docile, industrious, and warlike tribes. There are also, the Guicholas of Xalisco, the Yumas, the Nabajos, the Seres and Apaches of New Mexico and California, more or less civilized, commonly dwelling in towns or missions; except the wandering Apaches and Comanches, formerly formidable robbers, but now mostly conciliated, or in some degree friendly.

Thus the Mexican nation, enjoying a fine climate and soil, much wealth, and many elements of prosperity, cannot fail to become powerful and respected.

HEALTH.

It is a mistake to suppose the country unhealthy because there are some narrow strips of land along the shores which are subject to local diseases in the summer. These low-land strips extend from Tampico to Anahuac in the east: but a stranger, by coming there between November and April, or by removing at once from thirty to sixty miles inland, if he comes in summer, will be perfectly safe.

The *Vomito prieto*, of this zone, is a kind of yellow fever, modified by the climate, and not much worse than the disease of New Orleans. Others say it is a kind of gastronymic fever, which assails at once the liver, spinal marrow, and brain. One of the most simple remedies in use, and which is often effectual, consists in speedy and repeated doses of a mixture of castor oil, lime juice, and sea salt. Nine-tenths of the country, are healthier than the most healthy parts of the United States, not being so often liable to consumptions, rheumatisms and chronic diseases.

ENCOURAGEMENT TO FOREIGNERS.

I proceed to notice the encouragements given from time to time by the Mexican nation to foreigners, in order that they might become denizens of their polity; secured to them by the unalienable laws of citizenship; offered and granted upon such principles *as shall be respected* and protected, throughout *all sways*, amendments or alterations in their governments, while the grantee shall remain within the bounds of their constitutional jurisdiction.

The Spanish government, so long as it maintained its sovereignty in America, not only absolutely prohibited the settlement of foreigners upon the frontier provinces of its possessions, but even discouraged its own subjects from occupying the lands which now present such great temptations to the planters and farmers, mechanics, and manufacturers.

Mexico, *immediately after* its dissolution with Spain, began to follow the example set by their northern neighbors, the United States, who, by their policy on public lands, had erected in the short space of twenty years, several states and territories, of the most industrious population, out of the region which would still have been called *the wilderness of Louisiana*, if it had remained under the Spanish yoke.

It was not, however, until the general prevalence of those republican principles, which led to the establishment of the Federal Constitution of Mexico in 1824, that the proverbial jealousy of foreigners, for which the Spanish nation *has always been celebrated*, gave way to the liberal policy of the free governments of modern times; which teaches that the freemen of all countries are patriots, wherever their destinies fix, or their interest calls them. Seeing, therefore, the advantage which the United States of the north had derived, both in agriculture and the arts, from the admission of the subjects of *all* the nations of the earth among them, and the great accession of national strength, which their rapid emigration had made, the national Congress of Mexico wisely followed the same course, and passed laws for the distribution of its uninhabited tracts, among such citizens and foreigners as should choose to occupy them.

By so doing, many advantageous settlements have been made in their country; but none have grown with such rapidity to strength and consequence, as that part called Texas, (formerly a portion of Louisiana's wilderness,) which was first made an object of public attention, by the discussions relating to the purchase of Florida. It was by the treaty of cession of that country, that the boundaries of Louisiana were fixed: and, by many acquainted with its advantages, it was thought that the most healthy and fertile tract of land in North America, was sacrificed to the acquisition of Florida—the great political object of Mr. Monroe's administration.

In 1819, however, the relinquishment of Texas, considered at that time as an integral part of Louisiana, was comparatively *no loss*, to those who had already possessed *more land* than they could settle; and who had then but little knowledge of its intrinsic and local advantages, which have only been laid open by the Republican Government of Mexico, since its emancipation from the enthralling yoke of Spanish despotism. The influence of free constitutions, and of wise laws, has seldom been more perfectly illustrated, than in the sudden development of the resources and advantages which this fertile country *now* exhibits; not only through the principles of the permanent national colonization laws of 1824, but by their having been *fully* met by the Legislature of Coahuila and Texas in 1825, in such a manner as was thought would not only have the effect of inducing the immediate emigration of foreigners into its territories, but of insuring their content and prosperity afterwards, through the following encouraging provision.

"*During the first ten years, counting from the day on which a grant of a new settlement has been made, settlers shall not only be free from all taxes and duties upon articles imported for their own use, but free from all contributions, of whatever denomination, with the exception of those which, in case of invasion by an enemy, or to prevent it, are generally imposed; and all the produce of agriculture or industry of the settlers shall be free from excise duty,* (*Alcabala*) *or other duties, throughout every part of the state,* (*with the exception of the duties for working the mines.*) *After the termination of that time, the new settlements shall be on the same footing as to taxes, with the old ones; and the colonists shall also, in this particular, be on the same standing with the other inhabitants of the state, and of the government.*"

COLONIZATION LAWS.

We shall now look into those particular colonization laws, which have been passed from time to time, for the benefit of the emigrant; after which, we shall conclude our treatise on the government, by referring to the Constitution of the Mexican United States, and the Constitution of Coahuila and Texas: reserving the balance of those needful observations which may be omitted, to our essay on the Americans settled in the province of Texas, as the adopted citizens of the Mexican confederation.

Protection by Government. Art. 1. The government of the Mexican nation will protect the liberty, property, and civil rights of all foreigners, who profess the Roman Catholic religion—the established religion of the empire.—Law of the 4th January, 1823. Art. 1 and 2, of the law of the 4th August, 1824, *same*. Art. 1, of the Colonization law of Coahuila and Texas, 24th March, 1825, *same*.

Art. 1 and 2, of Instructions to Commissioners, of 4th September, 1827, requires of foreigners, certificates of their religious character, &c. from the local authority, without which they cannot be admitted; and the Empresario must give his opinion of the sufficiency of said certificates, their genuineness, &c. &c.

Distribution of Lands. Art. 2. The Executive will distribute lands to settlers, under the terms and conditions herein expressed.—Laws of Mexico, 4th January, 1823. See also, Law of the 18th August, 1824, *same*.

Art. 4, of the laws of Coahuila and Texas, passed 24th March, 1825, provides, that after a foreigner has made a declaration of his wish to become a settler in due form, as directed in section 3, and taken an oath to support the Constitution of the General and State Governments, &c. he is at liberty to designate any vacant land; and the *Political Authority* will grant it to him, in the same manner as a native of the country, to be approved by the Government.

Quantity of Land, &c. Art. 16. Families or unmarried men, who entirely of their own accord have emigrated, and may wish to unite themselves to any new towns, can at all times do so, and shall receive, provided that their sole occupation is cultivation of land, one *labor*. Should they also be *stock raisers*, grazing land shall be added to complete a *sitio*. And, should their only occupation be raising of *stock*, they shall receive a superficies of land, equal to twenty-four million square bars. By Art. 15, of same act, *unmarried* men shall receive the same quantity, when they enter the matrimonial state; and foreigners who marry *native* Mexicans, shall receive one-fourth more. Those who are entirely *single*, can receive only one-fourth as much, until they marry. The government can augment the quantity of land, in proportion to family, industry, and activity of the colonists. And, by Art. 18, families who emigrate in conformity to the 16th Art. shall immediately present themselves to the *Political Authority* of the place, which they have chosen for their residence, who, finding the legal requisites, shall admit them, and put them in possession of the corresponding lands; and, by means of themselves or a commissioner, will issue them a title.—Art. 3, 16, and 18, of the Law of Coahuila and Texas, of the act of the 24th March, 1825, *the same*. Also, Art. 4, of the Law of Mexico of the 4th January, 1823, *same*.

Mechanics are entitled to town lots gratis, by Art. 15, of the law 27th September, 1827.

Sale by Government. By Art. 24, of the Law of Coahuila and Texas, passed 24th March, 1825, Government will sell to Mexicans, *and to them only*, such lands as they may wish to purchase, not more than *eleven sitios*, and under condition that the purchaser cultivate what he acquires by this title, within six years from its acquisition, under the penalty of losing them. The price of each sitio, subject to the foregoing condition, shall be one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land, without the facility of irrigation; and two hundred and fifty dollars, if it can be irrigated. Art. 36. Building lots in new towns shall be given gratis to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade. And to other settlers, they shall be sold at *public* auction, to be paid for in six, twelve, and eighteen months: but all owners of lots shall *annually* pay one dollar for each lot, which, together with the produce of the sales, is to be applied to building churches in said town, &c.—And by the instruction to the commissioners of the 4th of September, 1827.

Section 15. An artist is to receive in a new town, *one lot*, subject to draft, and the Empresario two, without draft. Should there be a number of applicants for the same lot, it shall be decided by draft.

Colonization Laws. Art. 3, of the act of the Mexican Congress of the 18th of August, 1824, declares that the Legislatures of all the States, will, as soon as possible, form Colonization Laws, or regulations for their respective States, conforming themselves, in all things, to the constitutional act, general constitution and regulations, established by law.

Section 18. The Mexican Congress decree, that the government shall form a system for the regulation of the new Colonies, and shall, within one year, lay before Congress an account of the colonists established under this law. The Congress of Coahuila and Texas, formed their Colonization Laws, 24th March, 1825.

Empresarios and Contractors. Art. 3, of the Mexican Congress, of the 4th of January, 1823, provides, that Empresarios who shall introduce at least two hundred families, shall previously contract with the Executive, inform him of their resources, and business to be pursued, to enable the Executive to designate the province, the different nations of which its inhabitants shall be composed, &c. &c.

Art. 19. To each Empresario, who introduces and establishes two hundred families, shall be granted at the rate of three haciendas, and *two labors,* (equal to about 66,775 acres,) but he will lose the right of property over said land, unless populated and cultivated in twelve years from the date of concession. The premium cannot exceed *nine haciendas and six labors,* whatever may be the number of families he introduces, (equal to 200,324 acres.) By Art. 20, the proprietors of said lands at the end of twenty years must *alienate* two-thirds of the same by sale, or in any other manner they please. And by Art. 21, the provisions contained in Arts. 19 and 20, are understood as governing contracts made in six months from the 4th January, 1823. After that time the Executive can diminish the *premium,* as he may deem proper.

Art. 8, of the Law of Coahuila and Texas, passed 24th March, 1825, provides, that in projects for new settlements, in which one or more persons offer to bring at their own expense, one hundred or more families, they shall be presented to the government: and if found conformable to this law, they shall be admitted; and the government will immediately designate to the contractors, the land where they are to establish themselves; and the term, of six years, within which they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favor, in proportion to the number of families, which they fail to introduce: and the contract totally annulled, if they do not bring at least one hundred families: those settlers introduced, holding their own rights and privileges notwithstanding. By Art. 12, of the same law, the contractor or contractors, for the establishment of a new settlement, are entitled to five sitios of grazing land, and five labors (equal to 23,025 acres,) at least for each hundred families, which he or they may introduce; the one half of which shall be without the facility of irrigation: and they can only receive this premium for eight hundred families, (equal to 184,200 acres.)

Families and Individuals favored. By a provision of law annexed to all grants given, those who bear their own expenses to the country, shall have one *labor* extra, of such as are brought by empresarios or contractors. And,

Empresarios or contractors are forbid introducing, or permitting to remain, people of loose habits, or those guilty of crimes; or permitting persons to trade with hostile Indians, in arms or ammunition, or to trespass on the rights and acknowledged privileges of such Indians as are peacefully disposed.

State rights. The state retains the right of property over all vacant lands, after laying off to the empresarios or contractors, and the families or individuals settled, or to be settled, according to law, for the purpose of rewarding the military, selling to Mexicans, and settling others, according to the laws.

Mexican Measure of Land. Art. 5, of the Law of Mexico by its Congress, on the 4th of January, 1823, establishes the measure of land as follows. The *vara* at three geometrical feet—equal to $33\frac{1}{3}$ inches. A straight line of five thousand varas, shall be a league, (square varas, equal to 4,629 yards, 1 foot, $10\frac{2}{3}$ inches, or $2\frac{632}{1000}$, or 2 miles, 201 rods, 12 feet, 4 inches.) A square, each of whose sides shall be one league, shall be called a sitio, (twenty-five million square varas is a sitio, equal to $4{,}428\frac{40}{1000}$ acres.) Five sitios shall compose one hacienda—equal to $22{,}140\frac{200}{1000}$ acres.

Art. 7. A *labor* is one million square *varas* or one thousand varas on each side. See, also, Art. 11, of the act of the Congress of Coahuila and Texas, passed 24th March, 1825, *same.*

Establishments under Former Governments. By Art. 10, of the Law of the Mexican Congress of the 4th of January, 1823, establishments made under the former governments, which are now pending, shall be regulated by this law, in all matters that may occur; but those that are finished, shall remain in that state. And by

Art. 31, of the same law, all foreigners who may have established themselves in any of the provinces of the empire, under the permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law, in the distribution of said lands.

Government will cause lands to be Alienated. By Art. 11, of the law of the 4th of January, 1823, of the Mexican Republic, government will adopt measures for dividing out the lands, which have accumulated in large portions, in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be affixed by appraisers. And by Art. 20, of the same law, proprietors who have acquired their lands as a *premium* for the introduction of settlers, must alienate two-thirds of their land by sale or otherwise, as they please, at the end of twenty years from the concession. Vid. title Empresarios and Contractors.

Provisions. In all grants there is a provision made, that as soon as there is a sufficient number of men, the National Militia shall be organized, and regulated by law: and that all official communications shall be made in the Spanish language, when corresponding with the government.

Villages, Towns, and Cities. Art. 12, of the law of the 4th of January, 1823. The union of many families at one place, shall be called a village, town, or city, agreeably to the number of its inhabitants, its extension, locality, &c., and the same regulations for its government and *Police* shall be observed, as in others of the same class in the empire. By

Art. 34, of the Laws of Coahuila and Texas, of the 24th March, 1825, towns shall be founded on the sites deemed most suitable by the government, or the person commissioned for that effect, and for each one there shall be designated *four square* leagues, whose area may be in a regular or an irregular form, agreeably to the situation. And by

Art. 35. If any of the said sites should be the property of an individual, and the establishment of new towns on them should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers. In Coahuila and Texas, by a law of the 4th of September, 1827, appointing a Commissioner, it becomes his duty to select all sites for towns in the aforesaid states.

Streets. By Art. 13, of the Law of the Mexican Republic of the 23d January, 1823, streets are to be laid straight, running east and west, north and south; and by Art. 14, the streets must be twenty varas wide. See, also, Art. 37 and 38, of Colonization Law of Coahuila and Texas, of the 24th March, 1825, to the same effect.

Public Squares. By Art. 12, of instruction to the Commissioners by act of the Legislature of Coahuila and Texas, of the 4th of September, 1827, in all new towns, there shall be designated a public square, which shall be one hundred and twenty varas on each side, exclusive of streets, which shall be called *principal* or constitutional square, and this shall be the central point from which the streets shall run for the formation of squares and blocks.

Art. 13. The block situated on the east side of the principal square, shall be destined for the church, curate's house, and other ecclesiastical buildings: the block on the west side of said square, for public buildings of the municipality. In some other suitable situation a block shall be designated for a *market square;* another for a *jail* and house of *correction;* and another for a school, and other edifices for public instruction: with another beyond the limits of the town for a burial ground.

Provinces. By Art. 14, of the Law of the Mexican

Republic, of the 4th January, 1823, provinces shall be formed, whose superficies shall be six thousand *square leagues*. Government will colonize agreeably to the act of the 18th August, 1824.

When Towns are formed, how regulated, &c. By Art. 15, of the Law of the Republic of Mexico of the 4th January, 1823, as soon as a sufficient number of families may be united to form one or more towns, the local government shall be regulated, and the constitutional Ayuntamientos, and other local establishments, formed in conformity with the laws. Art. 40, of the Law of Coahuila and Texas, passed 24th March, 1825. As *soon as forty* families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath to support the general and state constitutions, which oath shall be administered by the Commissioner: they shall then, in his presence, proceed to the election of their municipal authority.

When to elect an Ayuntamiento. By Art. 41, of the Law of Coahuila and Texas, of the 24th March, 1825, a new town, whose inhabitants shall not be less than two hundred, shall elect an Ayuntamiento, provided there is not another one established within eight leagues, in which case, it shall be added to it. By Art. 42, foreigners are eligible, subject to the provisions which the constitution of the state prescribes, to elect the members of their municipal authorities, and to be elected to the same.

Municipal offices, how filled, &c. By a law promulgated in March, 1834, from the Constitutional Congress of Coahuila and Texas, for the better regulating of municipal authority, it is decreed as follows:

Art. 1. Those Ayuntamientos of the towns that of themselves, or with a population that does not exceed five thousand souls, shall consist of one Alcalde, who shall be President, two Corregidors and one Procurador. Those towns that possess the aforesaid number, let the population be what it may, shall have two Corregidors more, observing for their election and renewal the provisions of the constitution, and the regulations for the economical political government of the towns.

Art. 2. In those towns where, agreeably to the constitution and laws, there is an Ayuntamiento established, although the number of inhabitants does not extend to a thousand souls, and in those towns that have from that number up to five thousand souls, there shall be a Judge of the first instance; and in those towns that have a population of from five thousand to ten thousand souls, there shall be two Judges appointed› and in the other towns, let the population extend to what it may over and above the ten thousand, there shall be three Judges.

Art. 3. The obligations of these Judges of the first instance, shall be the same required by the law regulating justices, and the other laws that are in concordance with it, which were committed to the Alcaldes: the same for the verbal demands, as for written obligations or business. And they will receive in civil cases alone the fees that are established by law. Art. 4. These officers will use for distinction of their office, a cane with a black cord or riband with black knots; and when they visit acts of solemnity, they will join with the Ayuntamientos, after the Alcaldes—observing for their nomination the provision of the following articles.

Art. 5. The second Sunday in October, the Ayuntamientos being met, they shall proceed to form a list of four individuals for each Justice's court, that may be established in their towns, agreeable to the regulations in the second article of this law, which shall be by mail remitted immediately to the Political chief of the department.

Art. 6. The Political chief of the department can change the order of the individuals contained in the list, and it will be understood that the first person named by the Political chief, out of those on the list, is for the time being primary Judge.

Art. 7. The Chief of department will send to the respective Ayuntamientos the list that they may have formed, authorised under their signature, and a copy of which will immediately be set up on the door of the office of the Ayuntamiento, which will be officially signed by the Alcalde; and the original signed by the Corregidors, will remain in the Archives of the Ayuntamiento.

Art. 8. The President of the Ayuntamiento will officially communicate the appointment, to the individuals appointed, for the purpose that they present themselves, on the first day of January, of the ensuing year, to take possession of their destine, and take the necessary oaths required, agreeable to the article 220 of the Constitution, which cannot be dispensed with.

Art. 9. Those appointed will be renewed each year; and those of one year are eligible for the next year, but cannot be compelled to serve without having two years respite, as in that and the other offices of responsibility.

Art. 10. In case of the death of any of those judges or a legal embarrassment, or from any other cause the office becoming vacant, the next on the list out of the first three appointed, shall officiate, and fill the places agreeable to the notice given by the President of the Ayuntamiento.

Art. 11. Those Judges cannot separate themselves from their obligations, on account of particular business, in the discharge of their duties; nor for the same reason, can they leave the town in which they reside, without leave from the Chief of department; who can grant leave of absence, agreeable to the term of time asked for by the interested person, provided it does not exceed three months in the term of one year.

The political chiefs, are first one for the department of Bexar, and one for the department of Brazos, with one for the department of Nacogdoches. They are nominated by the respective Ayuntamientos of the departments, and the list sent to the assembled Congress of the state; and if agreed upon, the appointments are confirmed by the Governor's signature. The salary of the Chiefs respectively, is eight hundred dollars annually. Each department sends delegates, or representatives to Congress, according to their population; elected as the members of the Ayuntamiento by the people once a year.

Preference to Colonists who first arrive. By Art. 17, of the Law of the 4th January, 1823, of the Mexican Republic, as a general rule, colonists who arrive first shall have the preference; but by Art. 18, of the same act, Mexicans shall have the preference to the distribution of land,

and particularly the military of the three guarantees, in conformity with the decree of the 27th March, 1821 — and also those who served in the first epoch of the insurrection. By

Art. 9, of the act of the Mexican Congress of the 18th August, 1824, Mexican citizens have a preference in the distribution of land; but no distinction shall be made among them, except that which is founded on individual merit, or services rendered the country; or under equal circumstances, a residence in the place, where the lands to be distributed are situated.

Military. By Art. 10, of the Mexican Congress of the 18th August, 1824, the military, who in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the states, in conformity with the diplomas which are issued to that effect by the supreme executive power. And

Art. 10, of the Law of Coahuila and Texas, gives preference to Military and Mexicans.

Date of concession determines the right to Property. By Art. 22, of the Law of the 4th January, 1823, of the Mexican Congress, the date of the concession furnishes and constitutes an inviolable law for the right of property, and the legal ownership. Should any one through error, or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price. But by Art. 21, of the Law of Coahuila and Texas, of the 24th March, 1825, if by error of concession, any land shall be granted, belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere, to the person who may thus have obtained it through error; and he shall be indemnified by the owner of such land, for any improvements he may have made: the just value of such improvements to be ascertained by appraisers.

Cultivation. By Art. 23, of the law of the Mexican Republic of the 4th January, 1823, if after two years from the date of concession, the colonist should not have cultivated his lands, the right of property shall be considered as renounced: in which case the respective Ayuntamiento can grant it to another.

By Art. 24, of the Law of Coahuila and Texas, of the 24th March, 1825, lands sold to Mexicans must be cultivated in six years under the penalty of losing them. And by Art. 26, of the same act, the new settlers, who, within six years from the date of the concession, have not cultivated or occupied the lands granted them, according to their quality, shall be considered to have renounced them; and the respective political authorities shall proceed to take possession of them, and recall the titles. Same manner, for nonpayment of the instalments; or being at any one time, nine months absent from the government, during the six first years from date of concession.

Citizenship and Naturalization. By Art. 27, of the Law of the Mexican Republic, of the 4th January, 1823, all foreigners, who come to establish themselves within the empire, shall be considered as naturalized, should they exercise any useful profession or industry, by which at the end of three years, they have a capital to support themselves with decency, and are *married*. Those with the foregoing qualifications, marrying Mexicans, will acquire particular merit for the obtaining letters of citizenship.

Art. 28. Congress will grant letters of citizenship to those who may solicit them in conformity with the Constition of the empire.

Art. 31. *Foreigners* who established themselves under a former government, are entitled to the same privilege, and will remain on their lands; being governed by the tenor of this law in the distribution of lands. And by

Art. 21, of the law of Coahuila and Texas, having obtained land and established themselves, they are from that moment, considered in the country as eligible to vote and fill offices.

Contracts with settlers guaranteed. By Art. 14, of the Law of the Republic of Mexico, of the 18th August, 1824, contracts which the Empresarios make with the families which they bring at their own expense, this law guarantees. And Art. 9, of the Law of Coahuila and Texas, of the 24th March, 1825, guarantees all contracts made by contractors, undertakers, or empresarios, with families, or settlers, brought at their own expense or otherwise, so far as they are conformable with its provisions.

Alienation of Lands. By Art. 20, of the Law of the 4th January, 1823, of the Mexican Republic, every individual shall be free to leave the empire, and can *alienate* the lands over which he may have acquired the right of property, agreeably to the tenor of the law of the 4th January, 1823; and he can likewise take away from the country all his property by paying the duties established by law.

By Art. 27, of the Law of Coahuila and Texas, passed 24th March, 1825, the contractors and military, heretofore spoken of, and those who by purchase have acquired lands, can alienate them at any time; but the successor is obliged to cultivate them, in the same time that the original proprietor was bound to do. And the other settlers can alienate theirs when they have totally cultivated them, but not before. By

Art. 28, of the same law, by *testamentary will*, in conformity with the existing laws, or those which may govern in future, any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it, and if he dies *intestate*, his property shall be inherited by the person or persons entitled by the laws to it; the heirs being subject to the same obligations and conditions imposed on the original grantee. And by

Art. 30, of the same law, the new settler who, wishing to establish himself in a foreign country, resolves to leave the territory of the state, can do so freely, *with all his property;* but after leaving the state, he shall not any longer hold his land: and if he had not previously sold it, or the sale should not be in conformity with the 27th Article, it shall become entirely vacant.

Lands shall not pass into Mortmain. By Art. 29, of the act of Coahuila and Texas, of the 24th March, 1824, lands acquired by virtue of this law, *shall not by any title whatever*, pass into mortmain. And by Art. 13, of the act of the Mexican Republic, of the 18th August, 1824, the new colonists shall not transfer their property in mortmain.

Articles not Dutiable. By Art. 26, of the Mexican Republic of the 4th January, 1824, all the instruments of husbandry, machinery, and other utensils that are introduced by the colonists for their use, at the time of their coming to the empire, *shall be free*, as also the merchandize introduced by each family, to the amount of 2,000 dollars. And by

Art. 12, of the Law of the Mexican Republic, of the 6th April, 1830, for and during the term of six years, the coasting trade shall be free to foreign vessels for transportation of produce of the colonists, to the ports of Matamoros, Tampico, and *Vera Cruz*. By the same act, Art. 13, for and during the term of four years the introduction of *frame houses*, lumber, &c., and of every kind of provisions, shall be admitted into the ports of Galveston and Matagorda, *free of duty*.

No Slavery. By Art. 30, of the Law of the Mexican Government, of the 4th January, 1823, after the publication of said law, there can be no sale or purchase of slaves, which may be introduced into the empire; and the children of slaves, born in the Republic, *shall be free* at the age of fourteen years.

By the Laws of Coahuila and Texas, passed 24th March, 1824, Art. 46, new settlers, as regards the introduction of slaves, shall subject themselves to the existing laws, and those which may hereafter be established; at the risk of *all* rights and privileges, which they may possess, as citizens, under *that* constitution, and *those* laws, which govern the Mexican Republic.

And by a Law of the Congress of Coahuila and Texas, passed 23d March, 1831, there shall be formed in each town a *Register of the slaves*, with a statement of their ages, names, and sexes.

Art. 2. *A Register* shall be kept of the birth of children of slave parents, since the publication of the constitution, giving an account thereof to the government every three months; and in like manner an account of the death of slaves.

Art. 4. Importers of slaves, after the time mentioned in the 13th Article of the constitution—which see (11th September, 1827,) will be subject to the penalties established by the General Law of the 13th July, 1824.

Art. 5. Slaves are free at the death of their owner, who has no lineal heirs, (except owners are poisoned or assassinated by one of the slaves.) And in case of descent by lineal heirs, one-tenth are free—to be determined by lot.

By Art. 9, the free children of slaves shall receive a good education, and be bound out to trades by the Ayuntamiento. And by Art. 10, a fine of 500 dollars is imposed on the Ayuntamiento, who neglects to see the law enforced.

By Art. 10, of the General Law of the Mexican Republic, of the 6th April, 1830, no change can be made with respect to the colonies already established, nor slaves they already contain; but the prevention of the further admission of slaves *shall be exacted under the strictest responsibilities*. These responsibilities *shall* be acted upon by the government authorities, whenever it can be proved, that the bondsman has been involuntarily inveigled into servitude. And if he was formerly a slave, his present master must be able to produce written testimony, from under the hands of an authorized notary public, that his servant had been duly manumitted; and that, before he entered into his indentureship—if he could neither read nor write—the case had been clearly, audibly, and *three* times deliberately explained to him, before two disinterested witnesses, whose names are placed on the covenantal document, along with the voluntary mark made by a *free man*, and not by a slave!

Settlers not to hold more than eleven leagues. By Art. 12, of the Law of the Mexican Republic, of the 18th August, 1824, it shall not be permitted to unite in the same hands, with the right of property, more than one *league square* of land suitable for irrigation; four square leagues in superficies of arable land, without the facilities of irrigation; and six square leagues in superficies of grazing land.

Indians. By Art. 19, of the Law of Coahuila and Texas, of the 24th March, 1825, Indians of all nations, bordering on the state, as well as wandering tribes within its limits, shall be received in the market, without paying any duties on the products of the country. And if they declare in favor of our religion and institutions, they shall be entitled to the same quantity of land, as spoken of in the 14th and 15th Articles—always *preferring* native Indians to strangers.

Titles to Land—How obtained. By Art. 4, of Instructions to Commissioners appointed by the state, and first dated 4th September, 1827, the said Commissioners shall issue, in the name of the state, the titles for lands in conformity with the law, and put the new colonists in possession of their lands with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

Likewise, sales of land, to be *good in law* to the purchaser, should have annexed thereunto the signatures of the adjoining landholders, that they are fully satisfied he should be their neighbor: but if any should object to the intended purchaser, he or they must advance to the present holder the amount offered for such land; which he shall be obliged to except.

Furthermore, no man can dispose of his family's portion of these lands given by government to them, except by their consent, after the era of their emancipation; the wife and children being considered three-fourths proprietor, of that league of land given by government to the family settlers, represented by a male head.

Records of Land. By Art. 8, of Instructions to Commissioners, each Commissioner shall form a manuscript book of paper of the 3d stampt, in which shall be written the titles of lands distributed to the colonists; specifying the names, the boundaries, and other requisites and legal circumstances; and a certified copy of each title shall be taken from said book of the 2d stampt, which shall be delivered to the interested person, as his title; the settler to pay the value of the stampt paper, both for the original and copy. And by

Art. 10, of the said instructions—This book shall be preserved in the archives of the new colony, and an *exact form* of it shall be transmitted to the government, with every legal requisite. And all public instruments, titles, or other documents issued by the Commissioners, shall be attested by two assistant witnesses.

Surveyors of public Lands. By Art. 7, of instructions to Commissioners, of the 4th September, 1827, the Commissioner shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, under oath, &c.

Art. 6. The Commissioner shall take care that no vacant lands be left between possessions except in such bodies as can be occupied by other settlers with the same privileges: and in order that the lines of each may be clearly designated, he shall compel the colonists, within the term of one year, to mark their lines, and to establish fixed and permanent corners. By

Art. 18, of same instructions, the Commissioner shall cause the holders of town lots, to construct houses on said lots, within a limited time, under the penalty of forfeiting them.

Amount to be paid by new Settlers to the State. By Art. 22, of the Law of Coahuila and Texas, of the 24th March, 1825, as an acknowledgement, the new settler shall pay to the state for each *sitio* of pasture land, thirty dollars; for each *labor* without the facility of irrigation, two dollars and one half; and three dollars and one half for each one that can be irrigated: and so on, proportionably, according to the quantity and quality of the land distributed: to be paid, one-third in four, one-third in five, and one-third in six years, under the penalty of losing the land on failure of either payment. (Are exempted from this payment the *Empresarios* or contractors, on account of their premium, and the *Military* for lands obtained by their diplomas.) The payments above referred to, to be made to the Ayuntamiento, &c. And by Art. 25, of same law, the price cannot be altered by the Legislature — nor as regards the quantity and quality, under six years from the passage of this law, or the date of the colony.

Fees of the Commissioner and Surveyor. The Governor, by Art. 39, of the act of the Legislature of Coahuila and Texas, of March, 1825, designates the fees of the Commissioner; who, in conjunction with the colonists, shall fix the Surveyor's fees — both to be paid by the colonists.

Lands not Attachable for certain Debts. By the 70th

Decree of the constitutional Congress of the free, independent, and sovereign state of Coahuila and Texas, the following articles are manifested:

Art. 1. The lands acquired by virtue of the colonization laws, whether they be general lands of the nation, or particular lands of the state, by national or foreign colonists, or empresarios—shall not be subject to the payment of debts contracted previous to the acquisition of said lands—be the origin of said debts whatsoever it may, or proceed from whencesoever they may.

Art. 2. Until *twelve years* after having obtained a legal possession, the colonists and empresarios cannot be demanded, nor incommoded by the judges for said debts.

Art. 3. After the expiration of the term fixed by the preceding article, although they may be demanded for the said debts, they are not obliged to pay them with said lands, farming utensils, or instruments of their trade, or merchandize.

Executive may sell or lease Lands. By Art. 32, of the Law of the Mexican Republic, of the 4th January, 1823, the Executive, as it may deem necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed in respect of all others, by the provisions of this law.

Government may use Lands for National Defence. By Art. 5, of the Law of the Mexican Republic of the 4th January, 1823, should the government deem it necessary to use any of the coast or border lands for the construction of warehouses, arsenals, or any other public edifice, they can do so—with the approbation of the general Congress, or in its recess, of the Council of Government.

And by the Law of the Mexican Congress, of the 18th August, 1824, the Executive is empowered to take possession of (any) lands (in new colonies) that may be suitable for fortifications and arsenals for new colonies, indemnifying the state by a deduction from the debt due by such state to the federation.

Government to appoint Agents to visit new Colonies. By Art. 3, of the Laws of Mexico, of the 6th April, 1823, the Government shall appoint one or more Commissioners, to visit the Colonies of the frontier states; to contract with the Legislatures of those states for the purchase, by the nation, of lands for the establishment of new colonists of Mexicans and Foreigners; to make arrangements for the security of the Republic with the colonists already established; to watch over the exact compliance of the contracts, on the entrance of new colonies; and to investigate how far the contracts already made have been complied with. It shall be their duty also, to see that the land Commissioners have presided at the first popular election, held in those places entitled to an Ayuntamiento, and have put the elected in possession of their offices. And also see that the 26th article, of these Commissioners' instructions, have been attended to, in warning and appointing all public instruments, titles or other documents, memorials, reports and decrees of the Colonists, or Empresarios, on any subject whatever, to be written in the Spanish language—whether they are to be transmitted to government, or preserved in the archives of the colony.

For a definition of those powers that be, the reader is referred to the annexed General Constitution of the Mexican Republic, and particular Constitution of the state of Coahuila and Texas; the free and independent Congress of which state, have from time to time, (particularly in those years intervening between 1827 and '34,) passed many wise and judicious laws, for the better regulating of that justice and equity, due to all its citizens—now in *full force* to their content and prosperity, according to the following regulations.

LAWS OF COAHUILA AND TEXAS.

SECTION I. *Of the administration of justice by means of administrative provisions.*

Art. 1. Civil demands, the value of which does not exceed *ten* dollars, will be decided by the Alcaldes alone, verbally setting down the corresponding reasons, in a book kept for that purpose of common paper.

Art. 2. When the amount of the demand exceeds ten dollars and less than *one hundred*, each of the interested parties will nominate a good-man; and these united with the Alcaldes will determine the demand by plurality of votes, within seventy-two hours.

Art. 3. In case that the three were of various opinions, they shall adopt for a definitive resolution, the opinion most favorable to the defendant, between the Alcaldes and good-man of the plaintiff.

Art. 4. The resolutions which are decided shall be set down in a book, destined for that purpose, of common paper; shall be signed by the Alcalde, good-man, and the parties, if they are capable, and shall be executed without recourse.

Art. 5. To be a good-man, requires to be a citizen in the exercise of rights — and know how to read and write.

Art. 6. The infractions of laws and regulations of police, which carry with them pecuniary responsibility or personal, which does not exceed *ten* dollars, or *three* days imprisonment, or employment in public works, shall be punished equally without recourse, by verbal determinations of the Alcaldes alone: but when the punishment has to exceed the expressed, it shall be imposed by the Alcaldes, in unison with two good-men (arbitrators) nominated one by the accused and the other by the accuser, if any, if not by the first Syndick-procurador, when there are two, or by the one, when there is only one; observing in case of various opinions the rule adopted by the third article, which shall be executed irremissibly: in case the Alcaldes have to proceed, he will nominate the good-man on the part of the parties absent.

Art. 10. With respect to vagrants, idlers, and persons without occupation, the Alcalde will proceed, accompanied with the only Syndick, or the first, where there are two, to receive a brief information, and verbal process of his manner of living. If this should not be honest and regular, he shall order them arrested, and hear them verbally. And if they should not justify their conduct in concurrence with the Ayuntamiento, to whom they shall recur, with the information what is verbally said by the parties arrested, they will destine them for six months to the house of correction, where there is one, or to an office, or labor of fields, under the direction and custody of the masters or mechanics. And for a second offence they shall be destined to public labors for equal time, in accord with the same Ayuntamiento.

SECTION II. *Of the preparatory measures for demands that should be introduced and prosecuted in writing before the Judges of the first instance.*

Art. 11. Civil demands, whose value exceeds *one hundred dollars*, must be instituted in writing, but for this it is necessary that the conciliation precede; which is necessary likewise in criminal demands relative to grievous injuries.

Art. 12. These conciliations shall be had before the Alcaldes, and for that purpose, each one of the parties shall nominate his *hombre bueno* or good-man, who shall be united with the respective Alcaldes.

Art. 13. United, the Alcalde and *hombres buenos*, and without mixing in the allegations of the parties, will hear as much as they wish to expound in their favor; and then retiring, these shall proceed to resolve the matter, by a plurality of votes in a prudent manner, which may be agreeable to the parties; and this shall be taken for a conciliatory determination: or in case of being a diversity of opinions, that which favors the defendant or that of the Alcalde and *hombre bueno* of the plaintiff.

Art. 14. When the gravity of the matter requires — in the opinion of the Alcaldes and *hombres buenos* — meditation, study, or information of parties, they will give their resolution within the precise time of five days.

Art. 15. This shall be kept in a book of extencion to that effect, of paper of the sale 4th, with the expression of the parties, conforming or not, with the determination; and shall be signed by the Alcalde, the *hombres buenos* and parties — if they know how.

Art. 16. The resolution and agreement of the parties in the conciliation, shall be executed without reserve or recourse, by the Alcaldes themselves. And if the person against whom it shall proceed, enjoys any exempting privilege, his legal judge will execute it in the same manner on evidence of the certificate, which shall be presented of the conciliation: for which use, and for the other uses which the parties may require, shall be given the certificate which they ask.

Art. 17. When the Alcaldes or the citizens of the *pueblo* are plaintiffs or defendants, the conciliation shall be had or transacted before the first Corregidor. In turn, if the Alcaldes and Ayuntamientos collectively are parties in a suit, the Alcalde of the preceding year will exercise the functions: and if a matter of common interest to the vicinity, they shall recur to the adjoining *pueblo*, or most immediate *pueblo*, where they have not such interest. In the district where there are more than one Alcalde, and one should be designated, the conciliation shall be conducted before some other one.

Art. 18. The Alcaldes, and other persons who convene at the conciliations, shall not exact any fee whatever, but it shall be exacted of the parties mutually, if they agree; or if not, the party who does not conform with the determination, shall pay four bits for cost to the secretary, and also costs of paper.

Art. 19. In the conciliations, shall be observed likewise, the privilege expressed in the 9th article to the person demanding it — may appear himself, or by attorney with special power.

Art. 20. If the person cited does not appear, he shall be cited a second time, at his cost, threatening him with a fine from one to twenty dollars, according to the circumstances of the case, and the person: and if he still does not obey, nor show legal cause why he does not, the act shall be taken as terminated. The Alcalde shall give the actor a certificate of having attempted the conciliation, and not having effected it for failure of the defendant.

Art. 32. de la ley Reglamentaria. — The Judge of the first instance will not admit demands, whether civil or criminal, in writing, unless they come accompanied with a certificate, that accredits having attempted the conciliations, and that the parties did not agree thereunto. — Which see *Addendum*.

Section I. *Of the extended regulations, in the administration of Justice.*

Art. 1. Texas being formed into one Judicial Circuit — it shall be denominated, *The Superior Judicial Court of Texas*.

Art. 2. All causes civil and criminal shall be tried by jurors, in the manner and form prescribed by this law.

Art. 3. The Circuit shall be divided into three Districts, which are the three departments of Texas.

Art. 4. The Superior Court shall be composed of one Superior Judge, one Secretary, and one Sheriff, for each judicial district; and in criminal cases, the Jury and one Prosecuting Attorney.

Art. 5. The Court shall hold its sessions, every four months, in the capitals of the three districts: commencing in that of Bexar, the first Monday of January, April, and August; in that of Brazos, the first Monday of February, May, and September; and in that of Nacogdoches, the first Monday of March, June, and October.

Art. 6. For the trial of civil causes, there shall be in every municipality a tribunal for each *Primary* Judge, composed of the Judge, a *Subaltern* Sheriff, and the Jury. Their sessions shall be held every two months of the year, commencing on the fourth Monday of the month in which the session ought to be held.

Art. 7. In all cases both civil and criminal, the jury shall be composed of twelve men, who shall be sworn, and the joint opinion of *eight* of them shall be considered the decision of the jury.

Art. 8. In every Commissary's district there shall be one Constable, to execute the orders of the Commissary, and discharge such further duties as this law may designate.

Art. 9. To be Constable, it is necessary that the individual possess the same qualifications as are required of the Commissary; and he shall be elected at the same time, and under the same regulations that are prescribed for the election of the latter.

Art. 10. The same number of *Subaltern* Sheriffs shall be elected, and at the same time, and in the same manner as the Alcaldes: the District Sheriffs shall also be appointed in the same manner and form.

Art. 11. One of the lists which according to the 100th article of the decree No. 37, of the 13th of June, 1827, are directed to be formed in every municipality for the election of District Sheriff, shall be remitted to the Superior Judge; who, on examination of all the lists remitted, shall compute the votes and declare who has been elected, giving official notice thereof to the individuals so elected.

Art. 12. The Prosecuting Attorneys, Secretaries, and District Sheriffs, shall be appointed by the Superior Judge, from among the most proper persons (of the jurisdiction;) and before him they shall take the oath prescribed by the 220th article of the Constitution.

Art. 13. For the formation of the Jury in civil cases, the Commissioners, at the commencement of every year, shall remit to the respective Ayuntamientos, a list containing the names of all the citizens of his jurisdiction, qualified to serve as jurors; and the Ayuntamientos shall have a separate box for each *Comisaria* in which shall be kept the names of the jurors, each written on a separate slip of paper.

Art. 14. One month before the opening of the sessions of the Court, the Ayuntamientos shall meet: and in their presence the Secretary shall draw out of each box one name, until he get thirty-six names, which shall then be put together into another and separate box, and a list of them shall be given to the Sheriff, in order that he may cite them in due time.

Art. 15. For the formation of the jury in criminal cases, the Ayuntamientos shall remit, every year, to the Ayuntamientos of the capital of the district, a list of the names of all the citizens of their respective municipalities, having the necessary qualifications for jury-men; which names, separately written on slips of paper, shall be put into a box, and the Secretary, in the presence of the Ayuntamientos, shall draw out a number of names, which multiplied by the number of the municipalities which compose the district, shall produce a result not less than thirty-six; and shall deliver a list of them to the subaltern Sheriffs, in order that they may summon them to appear at the capital of the district, on the day of the opening of the sessions of the Superior Court: and two months previous thereunto, he shall transmit another list to the Secretary of the district, who shall put together in one box the names thus transmitted, and keep them in this manner, till the day of the approaching sessions.

Art. 16 and 17. *Præcognito ut supra.*

Art. 18. In case the Judge appointed may not be acquainted with both the legal idioms of Texas, he shall appoint an interpreter, whose salary shall be one thousand dollars per annum.

Section II. *Preliminary Provisions.*

Art. 19. The Primary Judges in the municipal capitals, and the Commissaries in their respective jurisdictions, are judges of inquiry and police, for the prompt investigation of crimes and the apprehension of delinquents; and in so doing they may proceed by virtue of their office, without waiting for orders or instructions from any superior.

Art. 20. The Sheriffs and Constables are *Executive officers*, to aid and assist the Judges, and are required to comply strictly with their orders, when not manifestly contrary to some express law; and, in the absence of the proper officers, the Judge may appoint a substitute *pro tem.*

Art. 21. The executive officers, in case of necessity, may demand of the respective Commandants the assistance of the civil militia, to carry into execution the orders which they may have received from the competent authority; and every citizen is under obligation to assist them in the fulfilment of this duty.

Art. 22. During the time of the sessions of the Court, there shall be appointed by lot, six Constables, who shall assist the Sheriff of the district; and three others for the subaltern Sheriff.

Art. 23. For this purpose, the names of all the Constables of the respective jurisdictions shall be put together, and the Secretaries of districts, or the Primary Judges, as the case may be, shall draw out the nine provided for in the preceding article, and shall communicate the result to the individuals who may in this manner have been appointed.

Art. 24. The juries are judges of all the facts in controversy, and of the laws concerning evidence, subject to the instruction of the Judge: but they have the right to differ from him in opinion. But in regard to all other law they shall be regulated strictly according to their literal tenor.

Art. 25. The facts established by the decision of the jury, shall be considered as conclusive, and cannot be controverted before any tribunal or authority, except in the single case of corruption of the jury.

Art. 26. In all cases criminal, at the time of forming the jury, the accused shall have the right to object peremptorily, and without assigning his reasons, to twenty of the individuals named as jurors.

Art. 27. Any person interested in the case may object to jurors, on account of the following disabilities: for not being a citizen in the exercise of his rights, for being under twenty years of age, if married, or under twenty-five if a single man; for having committed some crime of treachery or *falsehood*, or any other whatever meriting corporeal punishment; for want of impartiality on account of being a relative of one of the parties, within the fifth degree inclusive; for having acted in the case on a former occasion, as judge, juror, arbiter or arbitrator; for having some private interest in the case; for having been suborned, or having received pay for administering justice: for having been counsel, attorney, or agent, for one of the parties in the case pending; or for being actually his servant or master. These disabilities are absolute, and the Judge shall determine them by one witness, or such other testimony as he may deem sufficient.

Art. 28. Jurors may also be objected to for any just suspicion of partiality whatever, established by indications or circumstances, at the discretion of the Judge.

Art. 29. All the judicial acts contemplated by this law, shall be public, except the investigations of the police.

Art. 30. The trial in all criminal cases, shall be conducted in the language of the accused party; provided it be one of the two idioms established in Texas. And if a jury, acquainted with the language of the defendant, cannot be found or procured in the district where the crime was committed, he shall be sent for trial to the nearest district, in which the difficulty does not exist.

Art. 31. Both in civil and criminal cases, the parties shall have the privilege of being heard by themselves, without employing an agent or attorney, at their option.

Art. 32. In criminal cases, where the accused party may not be able to procure a lawyer or attorney to defend his cause, the judge shall appoint one for that purpose; and no one shall be permitted to excuse himself from this obligation, unless it be for some just cause approved by the Judge.

Art. 33. In cases criminal, where there is no prosecutor, the prosecuting attorney shall espouse the cause in the name of public justice; and where a prosecutor appears he shall assist him in the trial.

Art. 34. The Judge may continue the cause at discretion, on the solicitation of one of the parties, for not being prepared to enter on the trial, for want of witnesses, or any other reasonable cause; but always in such a manner, as not to retard the prompt administration of justice.

Art. 35. If the person against whom a civil suit may have been commenced, shall be about to absent himself from the place, or it is feared that he may escape, or that he may remove, or conceal his effects, they may be embargoed; or he may be compelled to give bail with security for his compliance with the sentence of the court, and for his appearance before the same, to answer to the demands of the plaintiff.

Art. 36. Attorneys may be appointed in the ordinary way, or the litigant may present himself before the court even during the progress of the trial, and name his attorney, to continue and conclude the cause in his name—both signing the customary instrument in such cases; in this case, the attorney is invested with all the powers and faculties of the principal himself, to follow up and conclude the action to its final sentence; being personally responsible for the abuses which he may commit to the prejudice of his employer.

Art. 37. It being an obligation due to society, that every man declare the truth when called on as a witness before the judiciary tribunals, in order that justice may be administered, no one shall excuse himself from so doing, unless it be under the exceptions established by law: neither can any one excuse himself, (having the proper qualifications,) from serving as a juror, unless he show good and sufficient cause. And in both cases the judge may compel the individual to compliance by the infliction of fines; or imprisonment, in case the offender is unable to pay the fine.

Art. 38. The witnesses shall be paid by the parties, except in those cases where the state is a party; and the Judge shall designate, discretionally, what shall be considered a just compensation.

Art. 39. In criminal cases, the witnesses shall declare verbally before the Court, at the time of the trial of the cause.

Art. 40. In *Plenary* and *Executive* trials, and in those of inquiry in criminal cases, a record shall be made of all the principal proceedings provided for in this law, and in the form therein indicated. In the inferior Courts, the primary judges shall make out and authenticate these records; and in the Superior Court, that duty shall be performed by the secretary thereof.

Art. 41. The Executive Officers shall make out in writing, a simple but clear and explicit statement, of the manner in which they have executed the orders of their superiors, and of all their official acts that ought to appear in trials by *writing;* which statement shall be signed by the Secretary and District Sheriff; and in the inferior Courts, by the Primary Judge and Subaltern Sheriff; and in the Commissary's jurisdiction by the Commissary and the Constable.

Art. 42. These statements shall be placed according to the nature of the case, either in the record, or in the book, or at the foot of the orders executed, and in the place which they ought naturally to occupy.

Art. 43. The official acts of the Judges and Commissaries shall be attested by assisting witnesses.

SECTION III. *Of the Administration of Justice in Criminal cases.* Trial verbal.

Art. 44. Criminal trials are divided into three parts: the *Verbal*, for the correction and punishment of slight offences; the *Sumario*, which is the prompt investigation of the crime, and the discovery of the criminal, for the purpose of securing him, where the importance of the crime requires it; and the *Plenario*, for the final resolution of the case, and the application of the penalty, where the nature of the case requires its infliction.

Art. 45. The violation of laws or regulations of police, the penalty of which does not exceed *ten* dollars, or *three* days imprisonment or labor in the public works, shall be punished by verbal determination of the Judge or Commissary.

Art. 46. Slight infractions of law, and all delinquencies which merit no other punishment than admonition, or moderate reproof, or where the pecuniary penalty does not exceed ten dollars, shall be punished accordingly.

Art. 47. All decisions relative to those penalties, or fines, shall be recorded in a book kept for that purpose, and shall be signed by the Judge and *Assisting Witnesses*, and shall be executed without appeal.

Art. 48. Every person who shall be cited by the competent judge, for the decision of verbal trials, shall appear either personally or by his attorney, at the hour specified in the citation; and if he should casually reside in another jurisdiction, he shall be cited by an official notice, directed to the Judge of the jurisdiction in which he may reside: and if he refuse to answer by appearing, after such citation, the judge shall appoint for him a suitable person to defend his case, and with him the demands shall be determined, and the sentence executed without redress.

Of the Trial Sumario. By

Art. 49. Immediately on receiving information, whether by accusation, letter, official notice, or in any other manner whatever, of a crime having been committed, for which a judicial process is required to be instituted, the Judge, or Commissary, as the case may be, shall take an account of said information, in writing, and shall conduce to the investigation of the crime, and the detection of its author or authors.

Art. 50. He (the judge or commissary,) shall concur promptly, with *Assisting Witnesses*, and others professionally instructed in such cases, if they can be had, to certify the crime, with all its circumstances, recognising (if it be homicide,) the body, the situation of the wounds, their dimensions, and with what weapon they were inflicted; if robbery, its signs, the previous existence of the thing robbed, the mode of entrance, and what vestiges or tracks may be discovered: and in like manner in all other cases, signing the investigations made, with the assisting witnesses and professional men, who shall previously be sworn to make a true and faithful report.

Art. 51. After these preliminaries, the Judge shall take the declaration of the accused, if in his power, and afterwards examine all the witnesses, that may be had in the case.

Art. 52. When, according to the laws, the crime shall not merit the punishment of death, transportation, banishment, imprisonment, fetters, or labor on the public works, the accused shall be set at liberty, giving bail and security in conformity with the 184th art. of the Constitution.

Art. 53. Vagabonds, habitual drunkards, the quarrelsome, and the delinquent, who may have committed the same crime more than once, shall not enjoy the privilege mentioned in the preceding article.

Art. 54. If upon examination, it appear that the accused is not guilty, he shall be set at liberty *instanter* by the Judge; but if the crime be proved, and the criminal ascertained, the sentence of imprisonment shall be made out, within forty-eight hours after his arrest: he shall be notified thereof, and sent to the Capital of the district, with a copy of the aforementioned sentence, that the Alcalde may be made acquainted with his responsibility; and a summary of the whole proceedings, shall be forwarded to the Secretary of the district.

Trial Criminal Plenario. By

Art. 55. The District Secretaries shall keep a record, in a book suitable for that purpose, according to the dates of the sentences of imprisonment, giving therein an account of the causes transmitted by the primary judges, expressing the crime, the place and day on which it was committed, and the name of the delinquent.

Art. 56. On examination of these causes, the Prosecuting Attorney in conjunction with the party injured, if he appear, and wish to continue the trial, shall formally make out the accusation, and shall present a list of the witnesses intended to be procured on the day of the trial, expressing the place of their residence, that the Sheriff may be able to cite them in due time for that purpose.

Art. 57. The defendant shall also forward to the Secretary, a list of the witnesses whom he intends to employ in his defence, which shall be presented in time sufficient for their citation by the Sheriff.

Art. 58. The Secretary shall deliver to the accused party a copy of the accusation, and of the list of the witnesses, at least three days previous to that of the trial in order that he may be prepared to make a proper defence.

Art. 59. The opening of the sessions of the Superior Court, on the day appointed, shall be verified by an act of solemnity, in which, besides the Superior Judge, the Syndick-procurador or Prosecuting Attorney, the Secretary, the Sheriff and the Attorneys of the Court—there shall be present also, all the Primary Judges, the Commissaries, the Subaltern Sheriffs and the Constables of the district. The Sheriffs and Constables shall be seated on the right hand of the Superior Judge—and the Primary Judges and Commissaries on the left; the Prosecuting Attorney, the Secretary and the Lawyers, shall be seated in front around a table, and the spectators shall remain standing.

Art. 60. The Superior Judge shall open the session of the Court, by pronouncing a discourse analogous to the circumstances, directed principally to the instruction of the Judges and officers of justice, in the discharge of their several obligations.

Art. 61. This ceremony concluded, the judges and officers of justice shall retire to their respective jurisdictions; and the Courts shall proceed to the despatch of criminal causes, according to their grade and the order of their dates.

Art. 62. That the accused may be present during his trial, he shall be brought before the court, which shall proceed immediately to the formation of the jury.

Art. 63. The box mentioned in the 15th art. of this law, containing the names of all the jurymen cited for the occasion, shall be put upon the table; and the accused, or, on his refusal, the Secretary, shall draw out one name, and the Sheriff shall immediately cause the individual to present himself before the Court, in presence of the defendant; and if not challenged by one of the parties shall take his seat in the court. This operation shall be repeated in the same manner, until the jury be completed.

Art. 64. If in consequence of objections made to jurors, the whole number shall be exhausted before completing the jury, the number that may be wanted shall be taken from among the bystanders, and those of the vicinity, whom the Sheriff shall immediately cite for that purpose.

Art. 65. The number being completed, and the jury formed, they shall take an oath, to *hear, try, and decide upon the matters in controversy, in the case then pending, truly and faithfully, according to the evidence and laws that may be produced, relative to the case, without deviating therefrom, either from favor, or enmity, fear or reward, and they will have communication with no individual whatever, on subjects connected with the case, out of Court, till they shall have given their verdict.*

Art. 66. The Court being ready to hear the cause, the plaintiff by himself, his attorney, or counsel, shall read the accusation, and explain verbally and briefly, the principal points contained in it, and the evidence which he proposes to present. The defendant shall then explain in the same manner, the grounds of the defence which he intends to make.

Art. 67. This being concluded, the evidence shall be presented, beginning with the declaration of the Defendant upon the accusation; who, after having concluded the relation which he shall make by himself, shall be questioned by his Attorney, as he may see proper; and his examination shall be concluded by questions on the part of the Plaintiff. The Judge may question him during any stage of the trial, before the summing up of the evidence.

Art. 68. After the confession, the *Sumario* formed by the Primary Judge, shall be read, and the further evidence on the part of the Plaintiff, shall be presented; and afterwards that of the Defendant.

Art. 69. The witness, after having been sworn to depose the whole and entire truth, according to the best of his knowledge, or as he may be questioned upon the subjects then before the Court, shall declare with all the plainness and clearness he is capable of, what he may know in the case; and the party who presented said witness, shall have the privilege of asking him any questions he may think proper. The opposite party shall also be allowed the same privilege. The Judge may examine the witness at any time before the final conclusion of the testimony.

Art. 70. The Secretary shall make a minute of the declaration of the witness, which he shall read in his presence, that he may be corrected if necessary; and the witness shall sign it with the Secretary.

Art. 71. The testimony being concluded, the Plaintiff shall make a verbal plea, stating to the Court the reasons and circumstances that may appear most conclusive to establish his demand. The accused shall also make his defence in the same manner.

Art. 72. The Judge shall then make such observations upon the evidence and facts deduced in the trial, as he may think proper and necessary for the instruction of the jury, who shall then retire for deliberation.

Art. 73. During their deliberations the jury shall remain in charge of the sheriff, and shall not be permitted to communicate in any manner whatever, with persons out of Court, upon subjects connected with the trial. The sheriff shall render them all necessary assistance; and if it be necessary to return into court, for information upon any point, he shall attend them.

Art. 74. The verdict of the Jury being agreed upon, by the number required by law, it shall be committed to writing, expressing all the important circumstances that may have been established by the evidence, and shall be signed by all the jurors; those however, who may dissent from the verdict, shall be permitted to express their separate opinion; the decision shall then be presented to the Court, and read by the Secretary in a distinct voice, that it may be corrected by the Jury if necessary, and if approved, shall be added to the record.

Art. 75. In conformity with the verdict of the jury, and agreeably to the laws, the judge shall pronounce the final sentence, with which act the trial shall be concluded.

Section IV. *On the Appeal of Nullity.*

Art. 76. From the definitive sentence pronounced in the trial *criminal plenario*, the only recourse which can be attempted in the appeal of *nullity*.

Art. 77. This appeal of *nullity* shall be made within *eight* days after the sentence may have been pronounced, and before the same Court in which the case may have been tried, in order that it may be transmitted to the third Hall of the Supreme Court of Justice.

Art. 78. The party that may attempt this appeal, shall express in writing the reasons upon which it is founded, and, shall deliver a copy of the same to the other party; who shall make his replication within *three* days. It shall be admitted by the Judge, and the proceedings of the trial shall be officially transmitted by him, to the abovementioned Hall of Justice.

Art. 79. This Court shall try the appeal, solely upon the proceedings of the Court below, without commencing a new prosecution, or requiring the presence of the parties: nor shall any attention be paid to defects that may appear in the *Sumario*, unless they be such as materially affect the case.

Art. 80. If, in the proceedings of the trial, any of the formalities, or important requisites, contemplated by the law, were omitted, the sentence shall be revoked by the Court, citing the laws on which the revocation is founded, and the whole sent back to the original Court, where a new trial shall be instituted.

Art. 81. If the principles of the law may not have been accurately applied in the sentence to the facts established by the jury, it shall be corrected by the Supreme Tribunal, citing the laws on which it (the correction) is founded; and the sentence, thus corrected, shall be carried into execution.

Art. 82. If this appeal of *Nullity* be made on account of bribery of one of the jurors, who may have concurred in the opinion of the majority of the jury — an action shall be formed against said juror, without the necessity of a previous *Sumario*. He shall be taken into custody, and the trial shall proceed, with all the formalities provided for by this law in the trial *Criminal Plenario*, to the definitive sentence: if this be condemnatory, the sentence pronounced upon the verdict of the jury, of which the condemned juror was one, shall be revoked and the trial commenced anew.

Art. 83. The juror may interpose the plea of *Nullity*, in regard to the penalty that may have been imposed upon him; and in that case, all the formalities mentioned in the preceding articles, in regard to cases of that nature, shall be observed. The penalty inflicted shall be the same as for that of perjury.

SECTION V. *Of crimes committed by the Superior and Primary Judges.*

Art. 84. In case the superior Judge shall be accused of any crime, whether officially or ordinary, the provisions of the 197th article of the Constitution shall be observed, and the Legislature shall previously declare that there be just cause of action.

Art. 85. The provisions of the above cited 197th article of the Constitution, shall also be observed in accusations against primary Judges, for crimes of office; the Superior Court first declaring that there be just cause of action.

Art. 86. For this purpose, the accusation shall be formed without the necessity of the process *Sumario*, provided in this law, and the trial shall be entered upon and pursued, according to the process *Criminal Plenario*, till the verdict of the Jury. In conformity with the regulations of law in such cases, the Judge shall declare whether there be sufficient cause of action or not.

Art. 87. The declaration of the Judge being in the affirmative, the plaintiff shall present his accusation in form, directed to the corresponding Hall of the Supreme Court, which shall be added to the record, and without any examination whatever, shall be remitted to the above mentioned hall of justice.

Art. 88. In conformity with the facts manifested in the record, and without admitting new evidence, the Supreme Tribunal shall proceed to take cognizance of and determine the cause, according to all the circumstances of the case, and recourses permitted by the law — without the necessity of the personal appearance of the plaintiff; the *Fiscal* acting as prosecutor in the cause.

Art. 89. The defendant may allege in his defence, the nullity of the Record, in conformity with the provisions of this law in such cases.

Art. 90. The sentence given, the proceedings shall be transmitted to the Superior Court for its execution.

SECTION VI. *Of the administration of Justice in Civil cases.* Trial verbal.

Art. 91. The primary Judges, and Commissaries, shall determine by themselves alone, and verbally, all demands, the import of which shall not exceed ten dollars, and a record of such decisions shall be kept in a book for that purpose, and be signed by the Judge or Commissary and the parties, or by two witnesses, in case the parties may not know how to write.

Art. 92. The decisions in these cases shall be executed in conformity with the 179th article of the Constitution.

Art. 93. In all cases of civil demands, and in those for personal injuries, the Alcaldes shall exercise the offices of Conciliators, in conformity with those laws promulgated to that effect.

Of the Trial by Writing. By

Art. 94. In order to commence an action by writing, the complainant shall present himself before the primary Judge of the respective jurisdiction, and shall signify his demand by a petition plainly and clearly expressed, accompanied by a certificate of having attempted in vain, a reconciliation with the opposite party; and *without* this requisite his demand *cannot* be admitted.

Art. 95. The Judge shall immediately cite the defendant by a written notice, appointing the day of trial, and expressing in the citation the name of the plaintiff, and the subject matter of his demand.

Art. 96. The Sheriff shall notify the defendant of the citation, and shall deliver him a certified copy thereof; and if he cannot be found, the said copy shall be left at his house, or at the house where he may reside; or, if he cannot be notified in this manner, it shall be posted up in the most public place of the jurisdiction.

Art. 97. If the defendant reside in another jurisdiction, he shall be cited by an official notice directed to the Judge of said jurisdiction.

Art. 98. When the defendant cannot be found, or his residence be out of the state, and under such circumstances, that he cannot soon return; or, being cited in the manner mentioned in the preceding article, he do not reply in the time specified in the citation; or if in any stage of the trial, whatever, one of the parties shall not appear, when under obligations to do so; the Judge on information and petition of the party interested, shall appoint an attorney *ad litim*, for the party absent, and the trial shall proceed in the same manner as if the party himself were present.

Art. 99. The absent party, however, may at any time appear, and continue the trial in person, and in that case the powers of his attorney shall cease.

Art. 100. The defendant or his attorney, having replied to the demand, and the pleadings of the parties being concluded, the case shall be ready for trial.

Art. 101. Neither of the parties shall be permitted to present more than two *writings;* and the term of *three* days shall be allowed for the *Replica*, counting from that of the *Contestation;* and the same time shall be allowed for the *Duplica*, counting from that of the *Replica;* and the Judge shall deliver these documents to the parties, to whom they may respectively appertain, immediately on receiving them.

Art. 102. For the despatch of civil cases, the tribunals spoken of in the 6th article of this law, shall hold their sessions at the times therein mentioned; and they shall continue till the conclusion of all the causes before them.

Art. 103. All causes shall be despatched according to the order of their dates, unless there be just grounds for their delay, subject to the strictest responsibility of the Judge.

Art. 104. For this purpose a record shall be kept, in which shall be entered, with all clearness, the causes ready for trial, according to their dates; stating the names of the parties, their attorneys, if they have any, the matter of controversy, and the day of the conclusion of the pleadings preparatory to the trial.

Art. 105. On the day assigned for the trial, the parties shall present their evidence; and for this purpose they shall previously deliver to the Judge a list of the witnesses whose testimony they require, in time sufficient for them to be summoned by the Sheriff.

Art. 106. If any of the witnesses reside out of the jurisdiction, the party interested shall present his interrogatories in sufficient time, and shall give notice to the other party, in order that he may add such interrogatory as he may think proper; which he shall do within *three* days.

Art. 107. The Judge shall transmit these documents, with an official notice to the Judge of the place of residence of witness or witnesses; or with a commission in which he shall appoint one or more examiners, who shall take down in full the testimony given, under the usual form of *oath* in such cases.

Art. 108. On the day appointed for the trial, and the parties being ready, the box containing the names of the jurors who have been cited according to the 16th article of this law, shall be placed before them, and the plaintiff and defendant alternately, commencing with the former, shall draw out the number of names necessary to form the jury; and during the remainder of the trial, the same formalities shall be observed, as are prescribed in the trial *Criminal Plenario.*

SECTION VII. *Of Appeal to the Superior Court.*

Art. 109. The parties being with the decision of the court, it shall be carried into execution; or otherwise, either of them may, within *eight* days, petition for an appeal to the superior court.

Art. 110. The party who considers himself aggrieved and may wish to interpose this remedy, shall swear that he does not intend it for the purpose of delay, but that he believes justice has not been done according to the law in his favor; and he shall present his petition within the time specified, in which he shall set forth his reasons, upon which it is founded.

Art. 111. The petition shall be admitted by the Judge, who shall give a copy thereof to the other party, who shall contest the same within *three* days, counting from that on which the petition was presented; and these documents shall be remitted to the Secretary of the respective judicial district.

Art. 112. The Secretary shall keep a book, in which he shall take an account of all the civil cases thus transmitted, expressing the matter of controversy, and the day on which he received the documents.

Art. 113. The superior court having opened its sessions in the respective district, and the criminal cases, which have the preference, being despatched, the court shall proceed to hear and determine the civil cases; first hearing the verbal pleadings, if any are to be made.

Art. 114. The superior Court shall be guided in its determinations by the provisions of this law, concerning the appeal *Nullity*, from the 81st to the 83d article inclusive.

Art. 115. The cause being returned, the Judge shall be regulated by the decision of the supreme Court, and shall proceed without delay to carry it into execution.

Art. 116. If either of the parties shall be dissatisfied with the opinion of the superior Court, he may resort to the appeal of *Nullity*, to the correspondent Hall of the Supreme Tribunal of Justice; and in that case the provisions of this law concerning the appeal of Nullity shall be observed — remitting a certified copy of the record, the original being returned to the respective Judge, for the execution of the preceding article.

SECTION VIII. *On Executions, and of the Trial Executive.* By

Art. 117. The officer to whom a writ of execution may be committed, in criminal cases, shall govern himself *with the most scrupulous exactness* according to the directions of the precept, in which the Judges shall take care to designate clearly all the circumstances which are to be observed.

Art. 118. In civil cases also, the executive officer shall be governed by the directions contained in the order of execution.

Art. 119. In respect to judgments given, and an order of execution, a corresponding precept shall be issued, without the necessity of a new application by the party.

Art. 120. The creditor who solicits an execution against his debtor, shall present a petition to the Judge, in which he shall set forth the grounds of his solicitation, accompanied by the corresponding document.

Art. 121. If the document be of that character which carries with it *Aparejada execusion*, the corresponding precept shall be issued without delay.

Art. 122. If the debtor can be found, he shall be required by the executive officer, to satisfy the demand set forth in the precept, or to designate property on which the execution may be levied.

Art. 123. If the debtor cannot be found, or refuse to designate property, the officer shall proceed to levy the execution, first on personal property; and if this be not sufficient to satisfy the demand; secondly on real estate; and lastly, embargoing his rights and claims, if the other property be not sufficient.

Art. 124. The property executed shall be sold at public auction, after thirty days notice to that effect having been given, by posting up written notices in *three* of the most public places of the jurisdiction, specifying the kind of property, and the day of sale.

Art. 125. The Defendant may oppose the sale within eight days from that on which the execution was levied, by presenting a written statement to the Judge, expressing the exception that he believes to exist in his favor; if this exception be proved before the day of sale shall take place agreeable to notice given.

Art. 126. Either of the parties may request that the Superior Court review the sentence given in opposition; and in that case the provisions of the law concerning this appeal in the trial of *Civil Plenario*, shall be observed. The determination of the Judge in the case mentioned in the preceding article, shall, notwithstanding, be carried into effect.

Art. 127. Before the day of sale, the property executed shall be appraised by two persons acquainted with the value of such property, each party choosing one. If the debtor refuse to use this privilege, the

Judge shall appoint the appraiser, and also appoint a third to decide in case of a division. But, the Judge shall leave the third umpire, if the two first appraisers choose it, to their selection.

Art. 128. On the day of sale, the property shall be cried in the proper hour and sold to the highest bidder; but at a price not less than *two-thirds* of the appraised value; and the Judge shall give the purchaser a bill of judicial sale.

Art. 129. In case there should be no bidders, or two-thirds of the appraised value be not offered, the creditor may receive the property in payment of his debts, with the deduction mentioned; and the Judge shall give him the corresponding instrument of writing.

Art. 130. Any other creditor may oppose the payment on account of being preferred to the plaintiff; and where there are three or more creditors, having demands against the same debtor, and there be not property sufficient to satisfy the whole, there shall be called a *Concurso.*

Art. 131. This trial is had between the debtor and his creditors, all being plaintiffs and defendants at the same time; and these preliminary proceedings shall be concluded by two instruments of writing by each of the parties; and the trial shall proceed and be concluded according to all the forms established by this law, for the trial *Civil Plenario,* until the judgment; which in this case shall be called, the sentence of *Graduation,* because in it the order shall be designated, in which *all* the creditors who may have proved their rights shall be paid.

Art. 132. From this sentence, either of the parties may appeal to the superior court, the dispositions of the law in such cases being strictly observed.

SECTION IX. *General Provisions.* By

Art. 133. That the superior Judge may be respected and obeyed, in the discharge of his several duties — he may impose fines not exceeding *two* hundred dollars, or imprisonment not exceeding *thirty* days, being always responsible for the abuse of this power.

Art. 134. In case of the appeal Nullity, should it be necessary to transmit to the supreme court, a record that may be written in English, the Judge shall appoint a translator, who shall translate it into Spanish, and the appellant shall pay the cost of translation.

Art. 135. The dress of etiquette of the supreme Judge shall be black, or dark blue, and a white sash with gold tassels; and this dress shall be used by him on all solemn occasions.

Art. 136. When the Judge, Commissary, Sheriff, or Constable, act unjustly, illegally, or arbitrarily, in the administration of justice, the party aggrieved may have recourse to the superior Judge, who, after taking the information *Sumario* of the act, shall despatch the necessary order for the correction of the offence.

Art. 137. All municipalities shall contribute, according to the number of their inhabitants, to the construction of a court house and jail, in the capital of the district to which they belong; and in the mean time, for the securing of offenders, all fines and the other pecuniary penalties, which may be imposed according to this law, shall be applied to that object.

Art. 138. The superior Judge shall give an account, *every month,* to the government of the state of the administration of justice in his circuit, as also the effects which this law may produce, and the difficulties or doubts which may offer themselves, in its execution, in order that they may recommend to the Legislature the proper remedy.

Art. 139. The salaries established by this law shall be paid — the *first* year — with vacant lands situated within the judicial circuit, and at the rate of one hundred dollars (exclusive of the ordinary fees) for each sitio.

Art. 140. In order to give this law the corresponding publicity, in the two languages spoken by the inhabitants of Texas, it shall be published in both idioms, and for that purpose the governor shall appoint a translator possessing a critical knowledge of both.

SECTION X. *Things not Implied are Understood.*

Art. 141. Executions in *all* civil cases, *shall not* deprive the debtor of those things understood as the only means of his lawful subsistence, nor of those which simply imply his preservation and protection. As

Art. 142. Every man shall have the right and privilege of retaining his wearing apparel, bed-clothing, cooking utensils, and the necessary implements of that trade, calling, or profession, whereby he is enabled to obtain the means of support; as also his military accouterments, of whatever name, nature, or kind they may be.

Art. 143. If the debtor should be a man of family, the property of his wife and children must be respected, whether it be the property of purchase, increase, or gift: if a gift from the debtor — to be valid to the owner, it must be given, received, and recorded in the office of the Alcalde of the jurisdiction, previous to the time the present debt, demanded by the Sheriff, was contracted.

Art. 144. All debts are recoverable whenever property can be found, in the manner and form prescribed, within the articles of this law; with the exception of gambling debts, and those which may have been contracted without the power of free agency; which bondage shall be established verbally by two competent witnesses, or the written instrument of contract, which had been fraudulently obtained through the oppressive measures of the holder: *if so*, he shall be exonerated, and may recover such damages as the nature of the case will admit.

BOOK VIII.

PEOPLE OF TEXAS.

EARLY SETTLERS.

THE inhabitants in general are (or rather wore) composed of a class who had been unfortunate in life; as it could hardly be supposed that the *fortunate*, except in a few instances, would voluntarily make choice of a country wherein they were to encounter such a number of difficulties as the first settlers had to contend with; who in a great measure were banished from the pleasures of life, and almost from its necessaries. So much so, that many of them had to rely upon the precariousness of the chase alone, for their first year's support; oftentimes solacing themselves, men, women and children, on the flesh of a *wild horse*, and that often too, without the satisfaction of seasoning it with salt! although the whole country plentifully abounds with that useful article, particularly near the lower waters of the Colorado, the central waters of the Guadalupe, the upper waters of the Brazos and the Naches; besides those licks on the lower waters of the Sabine and Trinidad, where (on all, especially the upper licks) salt is to be found in the dry season—to say nothing of the hydraulic process—in such profusion as to lie on the face of the earth, as thick as hoar frost in a winter's morning to the north; so that one can, by scraping it up with a small sheet-iron scraper, find such richly impregnated earth, as will produce by filtration, the one half of its own weight in pure salt! But at this time (a singular circumstance) every one of those places which contained this precious deposit, were in possession of the hostile Indians,—Cranquhuas, Tonquewas, Wacos, Caddos, &c. &c. Even those beautiful salt lakes, sixty miles west by north of San Patrichia, (river Nueces) where the salt crystalizes in the bottom of those shallow waters, in pure transparent stratas of from four to six inches thick, and affording large quantities to be annually taken away without producing any scarcity, were in the hands of these truly exasperated and ferocious foes!

But where were all those flocks of deer, buffalo, and bear, which at that time so plentifully abounded in the country? Either destroyed by so many depredating upon them for a living, or driven by a continual pursuit to the upper parts of the province, where it was as much as a man's life was worth to follow them! For similar reasons, about seven years ago in the northwest settlement (especially in the settling of De Witt's colony,) some families were very glad to receive from the lower sections of the country a little corn for bread, at the exorbitant rate of *five dollars* per bushel. But mark the change, it has been frequently had these four years past, in the same colony, at twenty-five cents per bushel!

Again, while smoke-dried horse flesh was in such repute among the whites, where were the poor blacks, in these days of privation and suffering? They were ranging and ransacking every creek and pond, for fish, frogs, and even alligators. Yes, Colonel Groce of the Brazos lost many a good negro, who might have been living yet, had they always been successful in their alligator hunts. But, equal to the change in bread stuffs, has been (long ago) that of meat; beef and pork bringing not more in the home market, than from two to three cents per pound.

CHARACTER OF EMIGRANTS.

Now while the physical condition of the people is thus improving, they are at the same time establishing for themselves a moral character; which may at this time bid defiance (*and that too with confidence,*) to any state or province, within the boundaries of either republic, to produce a less number of state crimes, to the same number of inhabitants; reckoning from the time the first American settled in Texas, up to the present day.

True indeed, while many a poor man with a young and numerous family, looked to the large grants of land given in the country, as a security against future want and dependency, many an unfortunate debtor looked to it also as a land of refuge from his importunate creditors, until he could by the foundation he would receive in land, be enabled to pay at least the principal, if not the interest. We must also acknowledge, at the same time that not a few single men had an eye to the inducements held forth by the government for their benefit. There were several of the lazy and careless, who had their indolent eye turned upon it also, as a country wherein they could live easy; and where they could always command hospitality, with no little respect from families, if not for their industry, at least for their company in solitariness, and their assistance in time of danger.

Moreover as it lay on the confines of, as it were, two governments, and that to which it belonged being as it still is in its jurisprudential system very defective; therefore did they who had inadvertently or otherwise, become obnoxious to the laws of their own country, find it in no little degree adapted for their better security: but who, in accordance with the opinion expressed in the *Programme* of this work, as soon as they were rid (whether justifiably or not) of those trammels with which they had been surrounded, let their better judgements reign; and are, as to their present moral conduct, generally speaking, what would be termed good citizens, in any state or territory between the Mississippi and the Rio Grande.

INNOVATORS.

In addition to these four characters, actuated by as many motives, to become subjects of the Mexican confederation, there has been a fifth, as odd in their principle as in their number, selfishly interested and meanly deceitful; who, as the saying is, without rhyme or reason, want to receive the property of one government, while they were determined if possible, *pugnis et calcibus*, to belong to another.

At the same time unable to bring forth one idea bordering upon moral honesty, or even political expediency for their utopian views *ever* to be carried into effect; either by the agency of amicable negotiation, or unfriendly relations between the two governments, which have so lately been cemented together in the bonds of national reciprocity.

What inducement, in the name of common sense, (putting common law aside,) is there for the United States to perplex herself about the province of Texas? Is it because her own citizens are, or likely soon to be, too confined within their present limits? Or is it, because the arable lands of her extensive territories, are to the amount of one sixth part under cultivation? Or, that any thing can be produced in Texas, which will not be found in some part of the southern union? Or, that there is with the exception of Galveston Bay, a single harbor to be coveted by her navy? Or is it, because the sale of those waste lands and public woods, *still undeeded*, would justify the purchase? Or is it, because the inhabitants, now voluntarily (to say nothing further) the adopted citizens of Mexico, have a claim on that Government which they abandoned? Or, that the constitution of the northern republic, *can ever* justify an aggressive war? Or, that the members of its Legislation *will ever* have a majority, in favor of such an acquisition to the southern interest? Or if they did, that the republican part of the Mexican government, will majorically agree to such a proposition?

But again, if the inhabitants of the province, without the sanction of their federal constitution, were to find a sufficiency of individual volunteers, to assist them in any unlawful undertaking, how are they to be paid? For paid they *must* be! no matter how sweetly they may at the commencement blow the trumpet of patriotism; remember the notes are different in one's own country, and even somewhat different under any constitution; but at the end of the struggle, (at least of their exertions,) if disappointed of a remuneration from their past enemies, their quondam friends will hear the clarion of plunder (as the patriotic San Antonians did, in 1812 after the defeat of Toledo,) sound throughout their devoted land! So that the deluded inhabitants, in their poverty, and their cause in disgrace, would sink into dishonor under the execrations of their former wellwishers, and become the justifiable scorn of their opposers.

There are, therefore, but *two* plausible arguments which can be brought forward by such unprincipled speculators, in order to justify their schemes of aggrandizement, at the expense of their present benefactors: (Keep in mind, the Republicans of Mexico, not the unlawful usurpers of that government.) The *first* which may happen, though it is not very likely, is in finding out that the *true* line of demarkation, between the *two* governments, can be laid with any degree of right, west of the present supposed and acknowledged boundary. And the *second* which may take place, with a greater degree of certainty, is, in the Mexican Government, being tempted by the waywardness of their American Texasians, to dispose of the province, rather than be at the trouble of controling them. But to whom would they offer it? to the Republican government of the north? No indeed! *not in that case*, but to the Government of England, who have for just such a purpose studied to keep a pecuniary claim hanging over the Mexicans, which their own folly has as yet disenabled them from liquidating. So that it may be the means, (which may heaven avert) of much war and bloodshed in this our peaceful land; as the American Government would not only be bound by the demands of future tranquility, but by that of self-preservation to interfere, and that too with energy and effect, in order to avoid being as it were surrounded, and hemmed in by that ambitious, over-reaching, and avaricious nation!

The pretensions of this fifth class of Texasians, have of late years been very much supported, by those unconscionable land speculators, who have wormed themselves into the country and its citizens' property, contrary to the expressed laws of the Mexican confederation. Therefore do they dread, and that with propriety too, the ordeal of Governmental inspection. One hundred per-cent has been added to the strength of this party, since 1832, by the unjustifiable slave holders, who have had two vessel loads of negroes distributed among them, by the African kidnappers; while they well knew, that their former acts in that branch of business would not stand the test of their government's scrutiny—far less that, which had been transacted contrary to the combined laws of every Christian nation!

The reader will perceive by the explanations given, that the actual property holders in Texas are divided into *two* classes, or parties; the Federal state right party, and the Independent state party, as the United States *Unionists* see the necessity of joining this last party, not only by their first expectations in entering the country being so hopelessly deferred, but that they may at least, in some small degree, by such a measure be realized.

These two grand parties are strenuously upheld against the Government of their country, (no matter what that government may be, whether constitutional or anticonstitutional, so it deny the privilege of a separation from Coahuila,) by the ambitious office seekers, who *must* receive from the industry of the people that support which they stand so much in need of, to maintain their pride and ostentatious display; which, without a state government of some kind, would inevitably as common citizens, bring them with all their warlike bravery and rhapsodical eloquence as far below the standard of industrious farmers and mechanics, as they would wish to be considered above them in the scale of society.

Again, the people of Texas as an unsettled body, are supported by the unprincipled merchants both in and out of their country, who have been receiving for years *duty free*, or at the worst nearly so, one hundred per-cent above their prices on the same kind of goods sold in Matamoros, where all importing charges *had* to be paid, and where they had made their profit calculations accordingly. Therefore, they are willing and (well may they be so,) to back any measure or set of measures, that may in the least degree be calculated to continue their fleecing and unhallowed Texian traffic! Now this Independent party, or those who wish themselves free from *all* responsibility to *any* Government, except their own, naturally, through the uncontrolable force of circumstances fall into the views of the Constitutional state party; persuading themselves, that *if that* can be obtained, they will not only be enabled to build up and erect a sufficient screen of darkness between them and their own Federal government, but in a great measure avoid coming in contact with that Government and its citizens to which so many of the Texasians are indebted.

These many factions through well timed policy are thus amalgamated into one party; as the few dissenters who either live in or out of the country, neither add to nor impair the present dignity of that resistance made, nor the justice or injustice of those rights required by its influential inhabitants; who are enabled to have their opposing strength strengthened, by enlisting the idle and the vicious, whose minds are as troubled as the waters they love to fish in, no matter who sinks or who swims, so that they wallow in the midst of that redundancy which, *nolens volens*, must be found in every political agitation.

POLITICAL EVENTS.

As a proper understanding of past occurrences will enable us with more certainty to judge of the result of passing events, I shall fall back, if not exactly to the time when the Texian Independents, already described, first committed themselves, yet to that period when the Constitutional party, always the most numerous of the two, brought the affairs of Texas, in and through those propitious circumstances of 1832, which transpired so opportunely in the interior of the republic, to a favorable issue.

On the 16th of July 1832, Colonel Jose Antonio Mexia, second officer of the second division of the liberating army (as it was then called) of General Montezuma, anchored off the mouth of the Brazos, with his fleet and forces, composed of five sail and 400 men. Colonel Mexia sailed from Tampico to attack the ministerial forces, at that time in possession of Matamoros, by the intercepted correspondence from Fort Velasco at the mouth of the Brazor, and other places of Texas, about the movements there—which were attributed by the military commandants of these parts, to have for their *object* the separation of Texas from Mexico!

He had agreed to a cessation of arms with Colonel Guerra, of the ministerial forces, [which speaks volumes in the cause of Mexican national integrity,] and sailed from the Braso Santiago for Texas. Immediately on his arrival Colonel Mexia addressed an official letter to the second Alcalde of the second department of Austin's Colony (at that time in Brazoria,) which was worded as follows:

"Sir, I have the honor to inclose you a copy of the convention entered into by the Commandant-in-Chief of Matamoros, and myself, on the sixth of the present month. The Document will inform you of the *motives* which brought me to Texas; and what would have been my course, had the late movements *here* been directed against the integrity of the national territory — *God and Liberty.*

"Mouth of the Brazos river, on board the brig of war General Santa Anna."

In the answer returned by the Alcalde, the succeeding expressions were couched.

"The enemies of Texas — the enemies of the enterprising men who have devoted their time and labor to improve a country that was *never* before trod by civilized man — have taken pains, and are continually doing so, to attribute to us a disposition to separate from the Mexican confederation. We are Mexicans by adoption, we are the same in heart — and *will so remain.* If the laws have granted to us the honorable title of Citizens, we wish that title should be respected, and that the authorities established by the constitution of the State should govern us!

"We are farmers and not soldiers — therefore desire that the military Commandants shall not interfere with us at all. Since 1830, we have been pretty much governed militarily, and in such a despotic manner, that we were finally driven to *arms* to resist within their limits, the military subalterns of the general Government.

"We have not insulted the flag of our adopted country, as had been surmised from our first movements; but on the contrary, we have sustained its *true* dignity, and attacked those who have outraged it by using it as a pretext for their encroachments upon the Constitution and sovereignty of the state of Coahuila and Texas, and as a *cover* for their baseness and personal crimes.

"The commandant of Fort Velasco, acted *under* the orders of the commandant of Anahuac, Colonel Juan Davis Bradburn, who was his superior. An investigation of the conduct of this officer at Anahuac, will inform you fully of the details of *many* despotic and arbitrary acts. He was sustained by the commandant of Nacogdoches, Colonel Piedras, and by that of Fort Velasco, Lieutenant Colonel Ugartechia; and consequently we were *compelled* to oppose them all!

"Therefore, we attacked Fort Velasco, on the 27th of last month, with 112 farmers hastily collected, without discipline and badly armed; and after an obstinate and bloody engagement of eleven hours, it capitulated on the terms expressed in the enclosed copy of the capitulation; every article of which has been strictly complied with on our part,—besides furnishing him with the provisions he needed for his troops."

So courageously did the Americans fight, and so humanely did they treat their prisoners afterwards, that the Mexican officer Dominic Ugartechia, expressed his astonishment, by saying (no doubt a little through flattering policy,) 'That such people were unconquerable! as they would by their humanity gain as many hearts, as they could heads by their valor! And, that if he had a thousand of such men as had attacked him, properly disciplined, he could march even in a hostile manner to the city of Mexico!!'

By a deputation of Brazorian citizens, Colonel Mexia, in company with Colonel F. Austin, (the first founder of these Colonies) was conducted to Brazoria. 'On their arrival they were received by the committee of vigilance, and by two of the Turtle Bayou deputation, bearing in their hand those resolutions which had been adopted at the beginning of the contest in Anahuac.' Which were presented to Colonel Mexia in the following dress.

"The colonists of Texas have long since been convinced of the arbitrary and unconstitutional measures of the administration of Bustamente; as evinced

1st. By their repeated violations of the Constitution and Laws, and the total disregard to the civil and political rights of the people.

2d. By their fixing and establishing among us in the time of peace, military posts, the officers of which, totally disregarding the local civil authorities of the State, have committed various acts evincing opposition to the *true* interest of the people, in the enjoyment of civil liberty.

3d. By arresting the Commissioners, especially Juan Francisco Madero, who on the part of the State government, was to put the inhabitants east of the river Trinity, in possession of their lands, in conformity with the laws of Colonization.

4th. By the interposition of military force, preventing the Alcalde of the jurisdiction of Liberty, from the exercise of his constitutional functions.

5th. By appointing to the revenue department, men whose principles are avowedly inimical to the true interests of the people of Texas; and that too, when their character for infamy had been repeatedly established.

6th. By the military commandant of Anahuac, advising and procuring servants (mark, *not slaves*) to quit the service of their masters, and offering them protection; causing them to labor for his own benefit, and refusing to compensate for the same.

7th. By imprisonment of our citizens without lawful cause; and claiming the right of trying said citizens by a Military court, for offences of a character cognizable by the civil authority alone."

In consideration of the above mentioned Grievances, a large meeting of the people was held near to Anahuac, where the following resolutions were drafted out by their leaders, and of course adopted.

"*Resolved*—That we view with feelings of the deepest regret, the manner in which the government of the Republic of Mexico is administered by the present dynasty. The repeated violations of the Constitution; the total disregard of the laws; the entire prostration of the civil powers; are grievances of such a character, as to *arouse* the feelings of every freeman, and impel him to resistance!

Resolved—That we view with feelings of the deepest interest, and solicitude, the firm and manly resistance which is made by those Patriots under the highly talented and distinguished chieftain Santa Anna, to the numerous encroachments and infractions which have been made, by the present Administration, upon the Laws and Constitution of our *beloved* and adopted country.

Resolved—That as freemen devoted to a correct interpretation and enforcement of the constitution and laws, according to their true spirit, we pledge our lives and fortunes, in support of the same, and of those distinguished leaders who are now so gallantly fighting in defence of civil Liberty.

Resolved—That all the people of Texas, be invited to co-operate with us, in support of the principles incorporated in the foregoing resolutions."

As soon as the business with Colonel Mexia was concluded, he was invited to a public dinner and ball given on the occasion, and at which the following toasts were drank and cheered with lively interest: 'The republic of Mexico, and the States of the North—They are the *same* in principle and object, and need only know each other, to be united in feelings, and warm friendship!'

'Coahuila and Texas—They are dissimilar in soil, climate and productions; therefore they ought to be dissolved!'

There were many more political sentiments expressed, relative to the course of freedom and equality; but as they were either congratulatory, or of less moment in a political point of view, it may well be deemed unnecessary to rehearse them; as these alone will enable the reader to draw the right kind of conclusion, on the public manifestations of feeling displayed by the Texasians, as soon as possible, after the necessary *Mutatis mutandis* has been made suitable to their ostensible purpose.

And at that time, it was peculiarly necessary for them; as they had by one precipitate movement thrown their political existence *Ipso facto*, upon the cast of a single die! For as soon as the people who were more immediately under the *iron* grasp of oppression, made an open resistance, they were joined by the proud and uncontrollable spirits of the other districts; who were determined, let the consequences be as they might, to assist their brethren in arms on the present emergency; considering their cause as the cause of the whole American community!!

In order then to consolidate the exertions of the people, who had gone too far to recede, and make their exertions as efficient as possible,—did the Ayuntamiento of Austin call on all the subordinate officers of the Colonies, to convene and take the sentiments of the citizens officially and judiciously; sending them without delay to the Alcalde, that he might lay them before the Political Chief from Bexar,—who was at that time sitting in San Felipe de Austin, on an investigation of those causes which had led to such agitating results; and who should as he had come for that special purpose, be made acquainted with the *Ultimatum* of the Americans' determinations. From which it was soon known, however modified by localities, principles, or circumstances, that oppressive measures by means of Military power, *would not* be suffered to exist, where civil authority had been guaranteed by the Constitution and Laws, alone in peace to reign. Then did the Ayuntamiento see meet to make an *expose* of the whole matter, from the beginning of the *first* dispute, between the state of Coahuila and Texas, and the general Government, up to the present day: showing the measures which had been pursued, in order to avoid the present difficulties; which difficulties had been accelerated by the uncompromising spirit of General Manuel Mier y Teran, the Commandant General of the eastern States; and which obstinacy on the part of government and its officers, had led to the present disagreeable posture of affairs; which affairs had been carried on heretofore, without any regularly organized plan of physical resistance.

'But now,' said they, 'when public opinion becomes so manifest as to leave no doubt of the feelings and desires of the *mass* of the community, it is the duty of the local

Authorities, so to consult that opinion, as to prevent a disturbance of public tranquility—as they felt the peculiarly delicate situation of the settlers of these Colonies, *owing to their being of foreign birth.*

'It was well known that every species of calumny had been heaped upon them, by the enemies of Texas, and a republican and enlightened emigration; with a design of reviving among the Mexicans the old Spanish prejudices against persons born in another country. It was feared that these enemies would take advantage of any disturbance here to pervert the truth, and attribute to them hostile views against the Mexican territory and federal Constitution!

'This body was under the immediate eye and direction of the Political Chief of the Bexarian department, who was then in the town, and who was equally anxious to preserve the public tranquility; and who, we are assured, is as much opposed to military encroachments as *any* man in the community.

'Under past circumstances, this body used every effort to preserve good order, and keep the settlers from participating in the present war; and it is probable, that these efforts would have been successful, had not events been precipitated in the manner they had been, by the tyrannical and illegal acts of Col. Bradburn.

'But now, as public opinion has expressed itself in the *most* decided and unequivocal manner, in favor of that party whose proclamations profess their intentions to be, the restoration of the Government to its true Constitutional basis, and to make it in practice, what it professes to be in theory,—a *free* Republican constitutional confederation of sovereign states!

'We therefore, the Ayuntamientos as a body, freely unite with the people, in the several jurisdictions of the Brazos Department, in the following resolutions.

'1st. That we solemnly adhere to the principles of the republican party headed at present by General Antonio Lopez De Santa Anna.

'2d. That the inhabitants of this Colony have no other object in view, than to contribute their feeble voice and aid in sustaining the Constitution and the true dignity and decorum of the National flag.

'3d. That they *will* support the rights and privileges of the state of Coahuila and Texas, which have been insulted by military encroachments in these colonies since 1830; and that they will at *all times* be ready to take up arms, in defence of the independency and constitution of their adopted country, and the integrity of its territory!

'4th. That the General and State constitutions *ought* to be religiously observed, as the only guarantee for public tranquility and national freedom.

'5th. That a large standing army in time of peace with all nations, is a burden to the people, and consumes the revenue of the nation, without any benefits; and is continually disturbing the public peace, by affording the means of committing and defending despotic acts! and of producing revolutions!!

'6th. That the acts of the present Administration, have been directed to embarrass and retard, rather than to promote and encourage emigration, to cultivate its uninhabited and wild lands; to the evident injury of the national advancement and prosperity.

'7th. That a copy of this act shall be delivered to Col. Jose Antonio Mexia, with a request that he will transmit the same to his Excellency the Commander-in-Chief, Gen. Santa Anna, with the assurance of the respect and hearty co-operation of the inhabitants of this Colony, in the glorious work of political regeneration in which he is engaged!

'8th. That a copy of this act be tendered to his Honor Ramon Musquez, Political Chief of all Texas, to be forwarded by him to the *Adelantado*, in order that his Excellency may be pleased to use his influence with the Legislature,—whom we respectfully petition to take under consideration the principles of this act, and to adopt such measures as in their judgements will tend to the security and protection of the State's sovereignty.'—27th July, 1832.

The citizens of Colonel Green De Witt's Colony having fulfilled the law, so as to be entitled to an Ayuntamiento of their own—had applied, and received from the Government an order for that especial purpose: therefore, not being under the immediate influence of the Austinian court, Ramon Musquez, their Political Chief, called on them to be convened, in order to have their sentiments transmitted to him by the hands of their Commissario—'For peradventure,' said he, 'they may assist in restoring order!' Having been thus called upon in the most critical period of the Austinian contest with the soldiers of Government, they considered it as a duty incumbent on them to act with energy and promptitude, and to couch their official document in terms of sincerity and truth; for as frontier Colonists of government, they had as yet nothing to complain of, except the withdrawing of those troops which had been among them for their protection.

And, however they might feel interested in the cause wherein the Colonists of Austin had been engaged, they were careful in respect of committing themselves, as they were still depending on the friendship of Navarro their land Commissioner, and had never been officially called upon by either of the contending parties to espouse their cause; but, above all, they felt and knew by dear bought experience, that they still stood upon debatable ground with the Indians!

They thought it proper therefore, under the influence of these considerations, not only to transmit their documentary communication through the medium of a respectable committee, duly appointed by the suffrages of the people; but to present it in that dress and form, necessary from an inferior, in order that it should be *favorably received* by a Mexican Superior.

As in England the *wax seal* is a mark of respect, so in Mexico the *vacant* left hand side of the sheet is a mark of dependency. Thus:

To
His Excellency
RAMON MUSQUEZ.

By the inhabitants of Green De Witt's colony in accordance to instruction.

SIRE—

As we have never been officially informed, either by the present reigning Government, headed by the Vice President Bustamente, or by their opponents, headed by Gen. Santa Anna, of the nature of these differences which exist between them; and as Citizens of a polity amenable *only* to our Federal head, we are as yet perfectly satisfied with measures heretofore pursued by that head in relation to us; and, were it otherwise, we *feel* our insufficiency to step between them and their explanations of the Constitution and laws of *our* adopted country! Moreover, having *never* had laid before us in a tangible shape, the difficulties existing between the Colonists of Austin and the Commandants of the Forts Anahuac and Velasco: we are therefore, at this time, equally unable to *decide* as to the merits or demerits of either of the contending belligerents!

Therefore, to you, *Sir*, as our organ of Governmental correspondence, we would have it made *fully* known, and by them perfectly understood, that we, the colonists of Colonel Green De Witt, are by our present unprotected situation, liable to be *cut off* by the savage foe! consequently, unable to render any physical assistance, if so required, to our brethren of Mexico, of Vera Cruz, or of Texas.

Humbly trusting, that our precarious condition will be a sufficient excuse for our neutrality—not only to you, Sir, who know our state experimentally, and who have more than *once* expressed a fatherly solicitude for our preservation—but to that Government you represent, on whose paternal care and munificent generosity we implicitly rely!!

Signed, sealed and attested in proper form, &c.

On the proceedings of Austin's Colonists, having been made known at Nacogdoches, the people of the District expressed their approbation, by joining heartily in the

Vera Cruzian plan of liberty and justice; *so much so*, that when Colonel Piedras, Commandant of Fort Nacogdoches, had been checked in his desire of assisting Bradburn, and had refused at Colonel Mexia's request to join the liberating army, they arose, *en masse*, to dislodge him from his position, or bring him and his men over to that cause, which their brother Americans had adopted, and to which they *also* were determined to belong.

Not that Colonel Piedras had ever been their enemy or oppressor: by no means, for he had at *all* times been the Americans' firm friend and generous benefactor. Although he had such claims on their sympathetic feelings,—and although the citizens of Nacogdoches would, in their pecuniary affairs suffer severely by losing the emoluments derived from that *specie* payment, given for those necessaries the troops required—yet the spirit of *chivalry* was afloat, and resistance of *quantum sufficit* was not enough!

As it was generally supposed by the Nacogdochesians, that Piedras would try to induce the Cherokees and Shawnees, at that time in the neighborhood, to assist him against the Americans, they therefore requested of the Indians to remain neutral, which they did, although the Shawnees were *still* in a state of exasperation against the Mexican Washinangoes; having as they supposed, in the summer of 1832, been scurvily treated by the soldiers of Bexar, making a *feint* in favor of the Comanches, when the Shawnees had attacked one of their encampments in the vicinity of that place,—and would (had the Mexicans staid at home,) have carried off a hundred horses, after killing 114 of their Comanche enemies, with a loss only of 7 men out of the 28 Shawnees who had been so daring and fearless as to throw themselves at the break of day into the midst of 300 warriors!

The Mexican and American contest was long and severe, as the former fired from behind their quartel, and the latter from under the cover of their houses. And although there was a continual skirmish kept up from early noon to dark, by upwards of 300 men on each side, yet by their being so protected, there were only 3 Americans killed and seven wounded; and of the Mexicans 18 killed and 22 wounded.

The Mexican troops evacuated their fort during the night, and retreated towards the interior; but they were met in the morning of the ensuing day by a party of 18 horsemen, who shot the leader of their advance guard, as he was in the act of crossing the Laco, and drove his men back upon the main body, who were advancing through the adjoining swamp. They were ordered to surrender immediately! as the woods were filled with armed men. The information had the effect desired; but not until the *only* remaining lieutenant of the Mexicans had walked up with his sword by his side, and a loaded pistol in each hand to his colonel, threatening him with instant death! 'if their lives should any more be so wantonly exposed by his orders.' He yielded his sword with regret, and his men returned prisoners to their plundered Quartel in Nacogdoches, where the victors sat down to a sumptuous dinner, prepared out of their former benefactor's bountifully supplied larder, and where Col. Piedras sat a *corner* supplicant, until a private citizen took pity on him, for which he returned him his grateful thanks, and on the empty plate a Mexican dollar! It being a prevalent opinion among the American colonists, that the Mexicans of Bexar would not give up, without a physical struggle, the volunteers began to gather from all parts of the province, *to Gonzales*, in order not only to bring the Bexarians, the Galiodians, and the De Leonites, but the oppidans of every other town in the State, into subjection, or into the measures of the Vera Cruzian liberalists.

At this particular crisis of assumptive power, the Gonzalesians received an express from Leona Vicario, informing them that their *Adelantado* had declared for the Constitution and the patriotic cause. At the same time a special messenger from San Antonio de Bexar, stated, that they had agreed also to this work of political reformation. Upon hearing such agreeable news, the volunteers returned to their respective homes, as the Bexarian declaration embraced all the other Spanish settlers in the department; for they always look to the citizens' movements of that place, for their criterion of political expediency!

Thus ended the warlike commotions of these Colonies on the 2d September, 1832, just as the inhabitants were informed that their (at that time) greatest arch enemy General Teran and his troops, on their way to Mexico from Matamoros, had been surrounded by the liberal forces of General Montezuma, and that too on the identical plain where the injudicious Iturbide lost his life! Teran, having determined within himself *neither* to unite with the Liberals, nor to submit to them as a prisoner, retired to a private place, *and fell on his own sword!* appearing to those who found him, while still alive, as inexorable in the agonies of death, as he was uncompromising in political life!!

Now at the conclusion of this rather premature affair, the Texasians had to congratulate themselves, that by their movements throughout, they had displayed to the world an energy in action and a promptness in coalition, which did them honor; and showed that the determinations of the *many* were completely matured on the principles of loyalty to their adopted country; and that their utmost wish and earnest desires were, that those persons should always reign and govern, who are *actually* directed by the Constitution and laws of their Federal Union. And that they thoroughly believed in every genuinely impressed republican, sacrificing upon the altar of his country every thing extraneous to the real honor and true glory of that country! studying to convince one another, more by the force of mental reasoning than by any thing in the shape of physical power, that it is only by unanimity of sentiment and consistency of action, that there can be national wealth, individual prosperity, and republican safety!!

Such motives as these, governing the mass, would finally triumph. But alas! there has been—*now is*—and I fear will be, such men in Texas as are governed by very improper motives, and who have, by their headlong conduct, brought on serious consequences, besides prejudicing the minds of many a Mexican, which time and the best of conduct can hardly eradicate. If it were only the insignificantly ignorant who were thus impressed, the matter would be light; but there are knowing, and influential characters too, who look on the inhabitants of Texas as being *so much* under the control of these individuals, that nothing can debar them from fulfilling Esop's fable of 'the frozen viper and the good natured country man!' believing that the experience their nation received from the American Freedonians of Nacogdoches, in 1827, and by that knowledge which they possess (however it was glossed over,) of the motives whereby the people were at *first* actuated, when they commenced the past political commotions in these colonies, that the American citizens thereof only wanted the ingredient strength to declare themselves independent of the Mexican confederation; or, at least, to make their country a troublesome and unprofitable appendage!

SECESSIONAL CONSTITUTION.

Form of the proposed Constitution of Texas, drawn up by the Texas convention of 1832 *and* 1833.

In the name of God, Omnipotent Author and Supreme Legislator of the Universe—

We, the people of Texas, being capable of figuring as a state, (?) in the manner contemplated in the second article of the decree of the general Congress of the nation, of the 7th of May, 1824,—do ordain the following Constitution; and do mutually agree with each other, to form ourselves into a full and independent state of the Mexican Confederacy, by the name of the 'State of Texas.'

General Provisions.

Art. 1. All power is inherent in the people, and all *free* governments are formed upon their authority, and established for their peace, safety, and happiness. For the advancement of those ends, they have an inviolable right to alter, reform, and abolish the government in such a manner, as they may think proper.

Art. 2. Government being instituted, for the protection and common interest of all persons, the slavish doctrine of non-resistance against arrogant power and oppression, is discarded, as destructive to the happiness of mankind, and as insulting to the rights, and subversive to the wants of any people.

Art. 3. All elections *shall* be free and equal.

Art. 4. The right of trial by jury, and the privilege of the writ of habeas-corpus, shall be established by law, and shall remain inviolable.

Art. 5. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and general warrants, whereby an officer may be commanded to search suspected places, without evidence of the facts committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence — are dangerous to liberty, and shall not be allowed.

Art. 6. No citizen shall be taken or imprisoned, or dispossessed of his freeholds, liberties, or privileges — or exiled, or in any manner distrained — or deprived of his life, liberties or property — but by the law of the land.

Art. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall be confronted by his accusers and the witnesses; he shall have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the municipality or district, in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

Art. 8. No person, for the same offence, shall be twice put in jeopardy of his life or limb.

Art. 9. No retrospective law or laws impairing the obligations of contract shall be made.

Art. 10. No conviction shall work corruption of blood, or forfeiture of estate.

Art. 11. No person confined in jail shall be treated with unnecessary rigor.

Art. 12. No person shall be compelled to answer any criminal charge but by presentment, indictment, or by a concurrent vote of both houses of the legislature, as provided by this constitution.

Art. 13. All persons shall be bailable by sufficient sureties, unless for capital crimes, without the proof is evident, or the presumption strong; and the privilege of the writ of habeas-corpus, shall not be suspended, except in cases of rebellion or invasion the public safety may require it.

Art. 14. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open, and every man, for an injury done him in his land, goods, or reputation, shall have remedy by due course of law; and rights and justice administered, without sale, denial, or delay.

Art. 15. The person of a debtor, when there are not strong presumptions of fraud, shall not be continued in prison, after delivering up his estate to the *benefit of his creditors*; in such a manner as shall be prescribed by law.

Art. 16. The free communication of thoughts and opinions, is one of the inviolable rights of men; and every man may fully speak, write, print, and publish, on any subject; being responsible for the abuse of that liberty. But, in prosecutions for the publication of papers — in investigating the official accounts of men in public capacity, the truth thereof may be given in evidence — as well as in personal actions of slander; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Art. 17. No man's particular services shall be demanded, nor property taken and applied to public use, without the consent of himself or his representatives, or without just compensation being made therefor, according to law.

Art. 18. The people have a right to assemble in a public name, for the common good—to instruct their representatives, and to apply to those invested with the power of government, for the redress of grievances, and for other purposes, by address or remonstrances.

Art. 19. Perpetuities and monopolies are contrary to the genius of a free government, and shall not be allowed.

Art. 20. The sure and certain defence of a free people, is a well regulated militia; and it shall be the duty of the Legislature to enact such laws as may be necessary to the aggrandizement of the militia of this state.

Art. 21. No soldier shall in time of peace be quartered in the house or within the enclosure of any individual, without the consent of the owner; nor in time of war, but in manner prescribed by law.

Art. 22. All persons residing in Texas, at the center of this constitution—except bond servants, and other persons not liable to taxation, by virtue of the laws enacted under this constitution, shall be recognized as Citizens, and entitled to all the benefits of persons who emigrated to this country under the colonization law of 1825—and shall be acknowledged as entitled to all the rights and privileges of such emigrants.

Art. 23. No property qualifications shall be required, to entitle a citizen to vote or value any office in the gift of the people of this state.

Art. 24. All contracts or transfers of property, by will or otherwise, as well in relation to real, as personal estates, which have been made in Texas heretofore, or which hereafter may be made in good faith by the parties, shall not be void for any want of form, but shall be construed and confirmed according to the intentions of the parties.

Art. 25. All elections in this state, shall be by ballot, and the manner thereof shall be prescribed by law.

Art. 26. Treason against the State, shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the overt act.

Art. 27. The benefit of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a *free* government: the protection and advancement of these two great objects are given in solemn charge to the Legislature. It shall be the particular duty of the government to patronise and cherish the interest of literature, of science and the arts; and as soon as practicable, to establish schools, where the poor shall be taught gratis.

Legislative Department.

Art. 1. The Legislative authority of this State shall be vested in a Legislature, which shall consist of a Senate and House of Representatives, both dependent on the people.

Art. 2. The members of the Legislature shall be chosen by the qualified electors, and serve for the term of two years, from the day of commencement of the general election, and no longer.

Art. 3. The Senators and Representatives shall be chosen every two years; on the first Monday in August, and the day following.

Art. 4. Within three years from the meeting of the first Legislature, under this constitution, an enumeration of the population of this state, shall be made agreeable to the mode which shall be prescribed by the Legislature; and the appointment and representation shall be regulated by law.

Art. 5. The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several precincts, formed as hereinafter directed, according to the number of taxable inhabitants in each; nor shall ever be less than one third, nor more than one half of the whole number of Representatives.

Art. 6. Elections for Representatives for the several precincts entitled to representation, shall be held at the places of holding their respective courts, and at such other places as the Legislature may prescribe.

Art. 7. The Senators shall be chosen by districts, to be formed by the Legislature, according to the number of taxable inhabitants in each; provided no precinct shall be divided in forming a central district.

Art. 8. For the first three years after the adoption of this constitution, the Legislature shall meet annually, on the first Monday in November; and thereafter it shall meet biennially, on the same day — be held at the same place as the Legislature shall prescribe.

Art. 9. No person shall be eligible to a seat in the Senate, until he has arrived at the age of twenty-five years; nor in the House of Representatives, until he has arrived at the age of twenty-one years. He shall be a citizen of the state, and shall have resided in the same twelve months, and six months within the precinct, or district, for which he is elect, immediately preceding his election.

Art. 10. Every male inhabitant of the age of twenty-one years, who shall be a citizen of the state, and have resided for the last six months immediately preceding the day of the election within the precinct, or district, shall enjoy the right of an elector.

Art. 11. The Senate at its meeting shall elect a President, pro tem. and the House of Representatives shall elect its Speaker. Each House shall elect its own officers—be judges of the qualifications of, and elections of its members.

Art. 12. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member, but not a second time for the same offence; and shall have all other powers necessary for the Legislature of the state.

Art. 13. Senators and Representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of the Legislature, and going to and returning from the same.

Art. 14. Each House may punish by imprisonment any person not a member, who shall be guilty of any disrespect to the House, by any disorderly or contentious behavior in their presence; provided that such imprisonment shall not be for a longer time than thirty days.

Art. 15. Bills may originate in either House, but may be altered, amended and rejected by the other.

Art. 16. Every Bill shall be read on three different days, and signed by the President of the Senate and Speaker of the House of Representatives, before it becomes a law, except the public safety shall be in danger by delay.

Art. 17. After a Bill has been rejected, no bill containing the same substance, shall be passed into a law during that session.

Art. 18. The style of the laws of this state shall be—'Be it enacted by the Senate and House of Representatives of the State of Texas.'

Art. 19. Each House shall keep a journal of its proceedings, and publish them, except such parts as the welfare of the state may require to be kept secret: and the yeas and nays of the members in any question, shall, at the request of one-fourth of the members present, be entered on the journal.

Art. 20. The Legislature shall have power to establish, from time to time, the salaries of all the officers of the state, and to regulate the compensation of its own members.

Art. 21. The doors of each House, and Committee of the Whole, shall be kept open, unless the business before them requires secrecy.

Art. 22. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

Art. 23. No person who hath been, or hereafter may be, a collector or holder of public money, shall have a seat in either House of the Legislature of the State, until such person shall have accounted for, and paid into the treasury all sums for which he may be liable.

Art. 24. No Judge of any Court of Law or Equity, Secretary of State, Attorney General, Register Clerk of any Court of Record, or person holding any office under the authority of the Mexican United States, shall have a seat in the Legislature of this State—hold more than one lucrative office at one and the same time; provided that no appointment in the militia, or to the office of Justice of the peace so long as no salary is attached thereto, shall be considered as a lucrative office.

Art. 25. If any member of the legislature is appointed and elected to, and accept any other office than that of Justice of the Peace, Trustee of a literary society, or commission in the militia, such appointment and acceptance shall be a vacation of his seat in the Legislature: and no member thereof shall be eligible to hold any office created by the Legislature, during the term of his service as a member.

Art. 26. Any member of either house of the Legislature, shall have liberty to dissent from, and protest against any act or resolution, which he may think injurious to the public, or to any individual; and have the reasons of his dissent entered on the journal.

Art. 27. All lands in this state, liable to taxation, held by any grant, concession, colonization law, or settlement rights, shall be taxed according to their valuation.

Art. 28. The right of suffrage shall not be exercised, by any person of insane mind, or who shall be a pauper or supported by public charity; nor by any non-commissioned officer, soldier, seaman or marine, in the service of the United Mexican States; nor by any person convicted of an infamous offence.

Art. 29. The Legislature shall have power, to establish such a system of internal improvements, as they may think proper.

Art. 30. No bank, nor banking institution, nor office of discount and deposit, nor any other moneyed corporation nor banking establishment, *shall ever* exist during the continuance of the present constitution.

Art. 31. All lands within the limits of Texas, at this date vacant, or not held agreeable to law, or to be located under genuine and bona-fide grants, now issued and received by the grantee or grantees, or otherwise provided for by this Constitution, shall belong to and constitute a fund for the state, and be subject to the disposal of the Legislature; provided that nothing contained in this article, shall be so construed as to prejudice the rights of the citizens, colonists, or settlers, who hold, or *are entitled* to acquire under this constitution, lands by deed, grant, concession or settlement right.

Art. 37. The Legislature shall have power to enact laws, to impose taxes and collect moneys for the use of the state: but no currency shall ever be made lawful tender, except gold, silver, and copper coin.

Judicial Department.

Art. 1. The judicial power shall be vested in a Supreme and Superior Court.

Art. 2. The state of Texas shall be divided in three judicial districts, in each of which there shall be appointed a district Judge.

Art. 3. The said district Judges shall compose the Supreme Court—a majority of whom shall form a quorum. The said Judges shall hold their Courts as district Judges—of the Supreme Court at the time and place *prescribed* by law.

Art. 4. The Legislature shall create and establish such Superior Courts, as may be convenient for the administration of justice.

Art. 5. The Judges of the Districts and Superior Courts, who shall be elected at the first session of the Legislature, shall hold their offices for the term of three years, eligible to re-election, and their successors in office, shall hold their office for the term of six years—eligible to re-election by the Legislature every six years.

Art. 6. The Judges, by virtue of their office, shall be conservators of the peace. Throughout the state of Texas, all prosecutions shall be carried on, in the name and by the authority of the state of Texas, and conclude against the peace and dignity of the state.

Art. 7. There shall be an Attorney General for the state; and as many prosecuting Attorneys as shall hereafter be found necessary. Their duties, salaries, perquisities and terms of service, shall be determined by law.

Art. 8. The Clerks of the District and Superior Courts shall be appointed by the Judge of the respective Courts.

Art. 9. The existing laws of the state of Coahuila and Texas, when this Constitution goes into effect, shall continue in force, until altered or abolished by the Legislature; provided, however, that the Legislature shall never adopt any system or code of laws, by general reference to said system or code—but in all cases shall specify the several provisions of the laws it may enact.

Art. 10. The Judges of the District and Superior Courts, shall receive fixed and adequate salaries, which shall be established by law.

Art. 11. The Judges may be removed from office, by the concurrent vote of both Houses of the Legislature; but two-thirds of the members present must concur in such vote, and the causes of such removal. Whoever the Legislature may be about to prosecute, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, thirty days before the day on which either House of the Legislature shall sit therefor.

Art. 12. The Judges may also be removed by impeachment.

Art. 13. The power of impeachment shall be vested in the House of Representatives.

Art. 14. All impeachments shall be tried in the Senate, when sitting for that purpose. The members shall be upon oath; and no person shall be convicted, without two-thirds of the members present.

Art. 15. The Governor and all civil officers shall be liable to impeachment for all misdemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit in this state. But the party, nevertheless, shall be liable and subject to indictment, trial, and punishment, according to law.

Art. 16. The Judges of the District and Superior Courts, and the Attorney General, shall be at least seventy-five years of age, and shall be learned in the law.

Art. 17. The interpretation of this Constitution and the laws of this state, shall belong exclusively to the judiciary.

Art. 18. Alcaldes, Commissaries, and Syndicks, shall be elected by the people. Their duties, jurisdictions, and numbers, shall be determined by law.

Art. 19. The Legislature is authorized to increase the number of the judicial districts and district Judges, whenever the necessities of the country may require it.

Executive Department.

Art. 1. The executive power shall be vested in a Chief Magistrate, who shall be styled 'The Governor of Texas.'

Art. 2. The Governor shall be elected by the qualified electors, at the time of choosing Representatives for the Legislature. He shall hold his office for the term of two years, from the time of his installation, and until a successor be duly appointed and qualified; but he shall not be eligible to office for more than four years, in any time of six years. He shall be a citizen of the United States of Mexico; shall be at least twenty-seven years of age; and shall have resided in Texas at least three years next preceding his election.

Art. 3. The returns of every election for Governor and Lieutenant Governor, shall be sealed and transmitted to the President of the Senate pro tem., who shall open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor. Should two, or more, have been candidates for the office, and two or more persons be equal — and highest in number — one of those who are equal and highest, shall be chosen Governor, by joint ballot of both Houses: and in like manner shall the Lieutenant Governor be chosen.

Art. 4. The Governor shall at stated times receive for his services a compensation, which shall neither be increased nor reduced during the time for which he shall have been elected.

Art. 5. The Governor shall be Commander-in-Chief of the militia of this State — except when they shall be called into the service of the Mexican United States; but he shall not command personally in the field, except he shall be advised so to do by a resolution of the Legislature: shall take care that the constitution of this state, the constitution acts, and the constitution of the Mexican United States, and laws are faithfully executed; shall have power to convene the Legislature every session, when in his opinion the interests of the State may require it; to grant reprieves and pardons, except in cases of impeachment; to conduct all correspondence with other states, and with the General Government — and during the recess of the Legislature, to fill pro tempore until the end of the next succeeding session — or of the Executive and Senate to fill permanently.

Art. 6. Every Bill which shall have passed both Houses of the Legislature, shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the Journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that House shall agree to pass the bill, it shall with the objections be sent to the other House, by whom it shall likewise be reconsidered: if approved by a majority of the whole number elected to that House, it shall become a law: but in such cases the votes of both Houses shall be determined by yeas and noes, and the names of the members voting for or against the bill shall be entered upon the Journal of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it; unless the Legislature by its adjournment, prevent it return, in which case it shall not become a law.

Art. 7. Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor — and before it shall take effect, be approved by him: or being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in case of a bill.

Art. 8. There shall be a Lieutenant Governor, who shall be elected at the same time, and shall possess the same qualifications as the Governor. The electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor.

Art. 9. The Lieutenant Governor, shall Ex-Officio be President of the Senate, and when there is an equal division in the Senate, shall give the casting vote, and also in joint voting in both Houses.

Art. 10. When the office of Governor shall become vacant by death, resignation, absence from the state, removal from office, refusal to qualify, impeachment or otherwise, the Lieutenant Governor — or in case of like disability on his part — the President of the Senate, pro tem. — or if there be no President of the Senate pro tem. the Speaker of the House of Representatives shall possess all the powers, and discharge all the duties of Governor; and shall receive for his services the like compensation to the end of the term, or until the disability of the Governor be removed: provided, that should the office of Governor be vacant within ten months from the beginning of the term, the person exercising the powers of Governor for the time being, shall as soon as may be, cause an election to be held, to fill such vacancy, giving three months notice thereof.

Art. 11. There shall be a Secretary of State appointed by the Governor, with the advice and consent of the Senate. He shall hold his office three years, and shall keep a register of all official acts and proceedings of the Governor, and perform such duties as may be enjoined on him by law. He shall as soon as may be, procure and keep a seal of State, with such emblems and devices as shall be directed by law.

Art. 12. A State Treasurer shall be elected by joint vote of both Houses; who shall also discharge the duties of Auditors, until otherwise provided by law.

Art. 13. There shall be an Ayuntamiento in each municipality. The power and duties of the Ayuntamientos — the number of members who are to compose them — and the mode of their elections shall be prescribed by law.

Art. 14. All commissions shall be in the name of the State of Texas; be sealed with the State Seal, and signed by the Governor; and attested by the Secretary of State. Sheriffs and Coroners, shall be elected every two years by the qualified electors at the time and place of choosing Representatives. Their duties shall be regulated by law, and they shall hold their offices for two years, and until a successor be duly appointed and qualified, unless sooner removed for misconduct in office.

Art. 15. The Governor shall nominate and appoint, with the advice and consent of the Senate, all officers whose offices are established by this constitution, and whose appointments are not herein otherwise provided for: provided, however, that the Legislature shall have a right to prescribe the mode of appointment of all officers to be established by law.

Schedule.

Art. 1. The State of Texas, shall include all the country formerly known as the Province of Texas.

Art. 2. That no inconvenience may arise in our separation from Coahuila, it is declared that all rights, actions, prosecutions and contracts, shall continue as if no change had taken place; except cases provided for in the body of this constitution.

Art. 3. All dues, fines, penalties, escheats and forfeitures accruing to the State of Coahuila and Texas, shall be collected in the name, and for the use of the State of Texas. All bonds for the performance of duties, shall be passed over to the first Governor of the State of Texas, and his successor in office, for the use and benefit of the parties interested.

Art. 4. The authorities of the State of Coahuila and Texas, that fill their offices within the limits of Texas, shall continue in the execution of their respective duties, until superseded under this constitution.

Art. 5. The Governor shall make use of his private seal, until a Seal of State shall be provided.

Art. 6. Until the first enumeration as provided for by this constitution, the appointment of Representatives to the Legislature, shall be regulated by a resolution adopted by this Convention.

Art. 7. All officers, or persons elected or appointed to any office, or place of trust, profit, or honor in this State, before entering upon the duties of their office, or station, shall take the following oath: I, A. B., do solemnly swear, that I will support the Constitution of the United Mexican States — the Constitution act, and the Constitution of this State; and that I will faithfully discharge the duties of——— according to the best of my abilities: — *so help me God!*

Art. 8. The election of Senators and Representatives to the General Congress, shall take place agreeably to the provisions of the Federal Constitution of the United Mexican States; and laws to that effect shall be passed by the Legislature.

Art. 9. Whenever a majority of both Houses of the Legislature may deem it necessary to amend this constitution, they shall recommend to the electors, at the next election of members of the Legislature, to vote for, or against a convention: and if it shall appear that a majority of all the electors of the State, voting for the members of the Legislature, shall have voted for a Convention, the Legislature shall at the next session call a Convention, to consist of at least as many members as there may be in the Legislature, to be elected in the same place and in like manner as prescribed by law for the election of members of that body.

Art. 10. Until the first enumeration shall be made, as directed by this constitution, the Senatorial Districts shall be composed of the following precincts: Bexar, one Senator; San Patricia, Refugio, Galiod, and Victoria, one Senator; Gonzales, Bastrop, and Alfred, one Senator; Lovicia, Matagorda, and Santianna, one Senator; Victoria, and Bolivar, one Senator; San Phillippe, one Senator; Magnolia, and San Jacinto, west side, and precincts of San Jacinto, east side, one Senator; Liberty, and Las Bayou, one Senator; Ayish, and Snow, one Senator; Tinahaw, and Sabine, one Senator.

Art. 11. The number of Representatives, that each of the precincts above enumerated shall have in the first Legislature, shall be determined by the votes given in at the first election; on the basis of one Representative for every hundred voters, without counting fractions under one hundred; provided, that each precinct shall have one Representative, whatever may be the number of its voters. After the votes are all taken, and the polls closed, the Judge of the election shall declare the person who has received the highest number of votes for Representative, to be duly elected, agreeably to the basis above mentioned; and shall issue certificates to such person accordingly. In case of a tie between two or more, it shall be decided by lot by the Judges.

Art. 12. All powers or grants of powers, rights, privileges and immunities, not expressly given or granted by this Constitution, are reserved to, and shall remain with the people of the State; and can only be dissolved or delegated, by amendment to this Constitution.

PETITIONS.

To make way for this constitution, a petition was prepared by the Convention, in which they assigned many reasons why it *should* be granted. A few of the leading ones noticed by us, will be sufficient at this time, to connect our chain of circumstances; always leaving the reader the freedom of his own conclusions, and upon republican principles to make just such use of them as he shall think proper.

To the Sovereign General Congress of the Republic of Mexico.

The inhabitants of *all* Texas, met in General Convention, at the Town of San Felipe de Austin, by means of delegates, for the purpose of making known their wants to the government, most respectfully represent, that they desire the separation of Texas from Coahuila; believing such separation indispensable to their mutual happiness and prosperity; and that ultimately, such division would produce the *most* happy results to the Mexican Republic.

Coahuila being so far distant from the population of Texas, and so widely variant from it in interests, the rights and wants of the people of Texas cannot be properly protected and provided for, under the present organization,—admitting the several Departments of the Government of the State to be prompted by the utmost purity of intention, in their efforts for the administration of justice.

Coahuila and Texas are dissimilar in soil, climate and productions, in common interests, and partly in population. The representatives of the former are numerous, and those of the latter few; in consequence of which, any law passed peculiarly adapted for the benefit of Texas, *has only to be the effect of a generous courtesy*. Laws happily constructed for the benefit of Coahuila, and conducive to its best interests, might be ruinous to Texas; such are the conflicting interests of the two countries: for instance, the unconstitutional law, prohibiting any but native Mexicans from retailing merchandize, in those places not inhabited by American colonists—to the exclusion of naturalized citizens from participation in that employment.

Another reason, which should interest the sympathies of the Republic, and enlist the aid of government, in favor of Texas, is its locality, being adjoining the territory of a powerful nation, whose established policy towards the aborigines has a tendency to flood Texas with Indian emigrants of a character *dangerous in the extreme.* The wide extent of wilderness, forming a natural boundary between Texas and Coahuila, places an indispensable barrier in the way of Coahuila's extending the efficient means of defence she might wish.

This circumstance alone demands that *all* the energies of Texas should be embodied, to prevent that calamity which threatens this favored country; and which nothing short of a well regulated government of a free, unshackled, and independent State can provide against.

Be it known, therefore, that we, the people of Texas, view with regret and concern, the present unfortunate situation of the North American Tribes of Indians residing in Texas, and *much deplore the transactions which have occasioned it.*

It is a well known fact, that the Cherokees claim by way of grant, a tract of land situated about thirty miles to the northwest of Nacogdoches; which claim they have been told, is worth about as much as the paper it is written on. The Shawnees also:—to say nothing of those other tribes, which have settled in the country—*and have been promised possessions.* The promise is still protracted.

When the Indian (inclined as he is to believe that a promise made, eventually must be fulfilled,) becomes too frequently the dupe of craftiness and oppression, he naturally becomes discontented, unfriendly and hostile; and in the present instance might be made more troublesome to us, than those tribes which no concessions will mollify!

The Indians' repeated request to obtain their rights, are unattended to; because an accredited agent of the government has been illegally suspended, by a military officer of the last dynasty, who, in continuance of his system of deception and conciliation, and with a view to enlist their aid, declared to the Cherokees, (at the time we began to evince a disposition of throwing from our necks the insupportable weight of military oppression,)—'The Americans grasping for land, intend making the attempt of driving *all* my countrymen from this State; and an extirpation of *you all* will soon follow.'

But the conflict at an end—we explained to them the true causes which impelled us to arms; and they, seeing a large number of our native Mexican fellow citizens had taken up arms in our behalf, seemingly became convinced, that we fought for justice to ourselves, and with respect for the rights of *every* Indian.

However, unfortunately—just at this time, and while they were being told, the Government would put them in possession of their lands,—some of our fellow citizens, *without authority*, ran off, and concluded in a survey, part of the Cherokee claim or grant; consequently creating, by such an act, a distrustful disposition on the part of those Indians—in conjunction with all those unlawful acts, so repeatedly committed on the poor confiding Indians of Texas, who are thus made to believe that we are actuated by the same spirit as their former oppressors. Therefore, do they credit any gross misrepresentation made to them, giving to former apprehensions the guise of truth; and they are now losing past confidence, in all individual protestations or advice: like the wrecked bark, which having crossed a wide expanse of ocean, is in sight of her destined port, but without the friendly sails that propelled her, and without any visible aid or probable chance of assistance! Under these Indian circumstances alone, we most respectfully solicit and entreat your most Honorable Body, to consider that *as a state,* we would be enabled to take such active measures in their behalf, as would convince them, that they could not with *impunity* be unlawfully or unjustly intruded upon; humbly trusting, that we could do such justice to their wishes in relation to lands, as could not fail to assure them of our friendship and protection;—besides, enlisting those North American Tribes of Indians among us, in favor of the state and general Government, by securing to them a permanence of situation, and enrolling them as brother-citizens of that confederacy, which they so much respect and regard! For the above reasons and many others, which the General Congress will readily conceive, and in view of the decree of the 7th of May, 1824, allowing the people of Texas, so soon as their situation *would* permit, to appear as a distinct state, to report to Congress for their resolution,—also, in connexion with the 11th section of the Federal Constitution, guarantying them a representative in Congress, whatever may be their population; and considering duly, the benefits that would result, both to Texas and to the nation, we entertain no doubts of the favorable reception of this petition. The people of Texas present the strongest assurances of their patriotic attachment to the Constitution, and to the Republic—pledging *all* and every interest in life, for the support of their declaration!

Therefore, they most respectfully petition,—that *that* part of the Mexican Republic, known by the name of *Texas*, shall become a separate state of the confederacy—to be placed upon an equal footing with *any* of the states of the Union.

Among the *many* petitions which accompanied the above, there was one which deserves particular attention, concerning the *Tariff;* as partly by the General Government's neglect on that head, and particularly by the mercantile speculations on that subject, the Texasians' difficulties with the officers of General Government have ever taken their rise; until the land *peculation* of March 1835, which shall be noticed by us presently.

To the General Congress, &c.—The inhabitants of Texas, and so forth,—respectfully represent, that the duties on articles of necessity to the inhabitants, which are not and cannot be manufactured in Texas for several years to come, are so high as to be equivalent to a total prohibition: that many other articles which are prohibited by the Tariff, are of the first necessity to the settlers of Texas. And as the people, of this section of the Republic, are yet almost without resources, and are generally farmers who make their support by cultivating the land, and have no manufacturing establishments yet erected within the limits of Texas; they respectfully petition the General Government, to grant for three years the privilege of introducing, *free* of duty, such articles as are indispensable to the prosperity of Texas. Among which, this Convention beg leave to enumerate the following, to wit: Provisions, Iron and Steel, Machinery, Farming Utensils, Tools of the various Mechanic Arts, Hard-ware and Hollow-ware, Nails, Waggons and Carts, Cotton Bagging and Bale rope, coarse Cotton Goods and Clothing, Shoes and Hats, Household and Kitchen Furniture, Tobacco for chewing in small quantities, Powder, Lead and Shot, Medicines, Books and Stationery. The foregoing articles include the principal imports made use of, and wanted by the inhabitants of Texas. Many of them are prohibited, and on those which are allowed to be introduced, the duties are so high that they amount to a prohibition. The trade to Texas is small, and the resources limited; but, if fostered by a liberal policy on the part of the General Government, it will, in a few years, yield a revenue of no small importance.—Signed, &c.

AUSTIN'S CORRESPONDENCE.

Colonel Stephen F. Austin, who had been for many years the Colonists' representative in the General Congress, was chosen in the spring of 1833, by a large majority, to represent the country again on this momentous occasion; although there had been no little opposition made to his election, by the same forty or fifty would-be great men in Texas—and *who are so*,—though upon a scale somewhat different from that greatness they acquired in the United States of the North, before their names became *so well* known in Mexico.

That the reader may be made acquainted with Colonel Austin's character in a few words,—he was a man, take him all in all, (politically speaking) for the well-being of Texas, that but few new countries, in their annals of settling, can produce a parallel! No matter for the accusation of this Texian *Optimacy*, who said, 'that he was *too much* of a Mexican, to enforce the demands of the colonists at *this time* with that energy they required.'

But his own words *verbatim* transmitted from the prison of the Ocordado, city of Mexico, August 25, 1834, will, it is supposed, be the *best* comment on those general matters necessary to be known, by those who feel interested in the whys and wherefores of a Texas commotion.

"Dear Sir:—I write this more for the purpose of informing you, that I am in the land of the living, than to communicate any thing agreeable as to my situation. I presume you are already informed that I arrived in this city on the 13th of February last, and was shut up in one of the dungeons of the inquisition; where I remained three months in close confinement—*Incommunicado*—that is, locked up day and night, with very little light except candles, and not allowed to speak, or communicate with any one, nor to have books, pen, ink, or paper. The President General Santa Anna put me in communication soon after he resumed the Government in May. The treatment I received from the Vice President, Gomez Farias, was in the highest degree rigid, and marked throughout by strong personal feeling; which I attribute in part to an interview which I had with him on the first of October, in which he was highly offended with me, because I stated that the affairs of Texas required the prompt attention of Government; for the people there had taken the position, that if the evils which threatened that country with ruin, were not remedied by the Government, *the people of Texas would remedy them of themselves*, without waiting any longer, on the ground that self-preservation rendered such a step necessary—and would justify it! The Vice President construed this into a threat—and personal insult. I wrote the letter of 2d October (which I regret) to the Ayuntamiento,—persevered in getting the remedies reconciled to the Vice President, and I parted with him on the tenth of December in harmony, and with the best of feelings and the most sincere respect. The Ayuntamiento of Bexar changed the face of things, and revived the passions of the Vice President, by sending to him my unfortunate letter of 2d. October, which said '*for the worst prepare!!*'

"Individuals who were unfriendly to me, because I opposed a territory for Texas,—and others who were unfriendly to *all* foreigners, improved the opportunity to inflame the mind of the Vice President and his ministers against me; so that on my return to the city of Mexico, as a prisoner, he was the most violent and bitter enemy I had. I believe him to be an honest man, and a true federal democratic republican, in principle; but he believed, or was misled by others to believe, that the political situation of Mexico required something like a Robespierre's system, or reign of terror. No one was executed, but hundreds were banished and imprisoned. Whether this system was the result of the Vice President's own inclinations, or whether he was led into it by his counsellors and friends, I cannot say. Some think that it was all his own policy, and others that he was forced into it contrary to his wish, by the power of circumstances, and the excitement of the day. At any rate his administration was unfortunate for the nation, and for the federal party; for no one who has any sense of justice or of common humanity, can approve of an illegal, unconstitutional and arbitrary system of banishment and imprisonment.

"The religious prejudices of the people were alarmed by the measures of that administration to a great degree: hence the reaction which is now operating all over the nation, and which some think will shake the Federal system; though I am not of this opinion, for I do not believe that the President Santa Anna has designed to change the system, or to do any thing more than to get together a congress in January next, with the character and power of a national convention, freely elected by the people, in order to re-establish or review the constitution, which has been so dreadfully outraged by all parties, that none respect it.

"But to return to my own affairs, which I presume are much more interesting to you, than the political quarrels of this Republic. I remained in the inquisition until the 12th of June, when the military tribunal to whom my case was referred, decided that they had no jurisdiction over it; and I was removed to this prison, and my case delivered over to a civil tribunal, or *jour de litras*, in whose hands it slept until the 12th of August—when he also decided that he had no jurisdiction over it: and it was then sent to the federal district Judge, who soon despatched it, by deciding that he had no jurisdiction over it, as I did not reside in his district. The matter was then sent to the Supreme Court of the United Mexican States, in order for them to decide what court or tribunal ought to try me; and there the case rests at present. So that after eight months, I do not know as yet, what court is to investigate my case. I have long since requested to be delivered to the authorities of the State of Coahuila and Texas; and I presume I shall finally be sent to the district court (federal Judge) of that state. The President Santa Anna is friendly to Texas, and to me,—of this I have no doubt—would have set me at liberty long since, and in fact issued an order to that effect in June, had not some statements arrived about that time, from the State Government of Coahuila and Texas against me, which I understand have contributed mainly to keep me in prison so long. It is said, the report of the State Government on the subject, is founded solely on the statements of some influential persons who live in Texas. Who those persons are I know not. It is affirmed that they are North Americans by birth; and I am told that if I am not imprisoned for life, and totally ruined in property and reputation, it will not be for the want of exertions and industry on the part of some of my countrymen, who live in Texas. Whether all this be true or not, I know I am unwilling to believe it. I am also told, that no efforts were left untried during the last winter and spring, to prejudice the members of the legislature and state government against me at Monclova. I cannot believe these things. I wish you to inquire of Oliver Jones, (then representative for the Texasians in the state legislature;) he is an honorable man,—and I shall rely fully on what he says about them.

"Can it be possible that any of those men who were opposed to my appointment, as the public agent to come to Mexico, on the ground that I would be too passive and humble, and not display independence, firmness, and so forth—and also that I was opposed to a State, therefore, would not obey the instructions, or regard the wishes of the people, as expressed by the Convention &c., &c.—I repeat it, *can it be possible* that such men can be so politically blind, as not to foresee without the interposition of a miracle in their favor, equal at least to that which I had the honor to conduct from Matamoros in 1832, their country will be ruined by those omnifarious measures of recklessness pursued? If so, I ask in the name of God, how are they to be benefited by its destruction?

"Now what I cannot understand, is, that these same men should attack me, who at that time were very violent political fanatics in favor of a State, and of high minded measures with the government, and who abused and opposed me, because I was too mild, too passive, too lukewarm — the same men who were the first, as *they themselves say*, to create an excitement in favor of separating Texas from Coahuila, and who contributed very much to involve me, and my friends—simple farmers, in all this difficulty, and the labyrinth I am now entangled in, by compelling me, as it were, to yield to public opinion of that time, and which public opinion was *first* excited by these men.

"The fact is, excitement in the Colony, at that time in favor of the state, placed me in the alternative of yielding to them,—or of opposing them by force, by means of party divisions,—or of leaving the country. I was disposed to adopt the first or the last of these alternatives, rather than the other,—of organizing a party, or creating party divisions in the colonies.

"That these same men should now attack me, as it is said they have done, because I faithfully, fearlessly and firmly, represented the wishes of the convention and of my constituents—as these same men said those wishes were, when I left there,—instead of concealing or counteracting those wishes, as these same men said I would do—That these same men should now try to ruin me, and perpetuate my imprisonment,—and should rejoice and exult at my sufferings, is what I cannot understand, and am unwilling to believe. For it would be the same as to belive, that all their show and display of zeal for the public good—their pretended patriotism, had no other *definite object*, but to create confusion, out of which they hoped to derive *some benefit*, or at least to involve me in difficulty and total ruin; (by and by we will show that object, and the benefits they derived from it.) This I cannot believe: although such a thing was told me before I left the Colony, 'that no matter what I did, or how I acted, some persons there, whom I had too much befriended, would seek my ruin if they could.' I am unwilling to believe that such baseness exists in human nature!

"That men should err in politics, become convinced of their error, and change their opinion is a common and natural thing, and amounts to nothing at all except a mere error in judgment; which we are all liable to, and have committed during our lives. But there is a vast difference between an honest error in judgment or opinion—an honest change of opinion—and a secret or malicious design to plot or ruin another, by weaving a political net around him for that express purpose. Neither public good nor patriotism can have any influence in such a design: nought but a corrupt heart would or could have any hand in such a base plot. Again I say, I am unwilling to believe that any person, or persons in Texas, with the talents, and with the knowledge, of their situation, either in a moral or political point of view, can be influenced by such impolitic, not to say low and degrading *motives*.

"However, time will show. There is an investigating and discriminating power in the public eye, that soon or late will penetrate the most complicated mysteries, and arrive at the truth: and public opinion will then award justice where it is due. To that eye and that opinion, I am ready and willing to submit my actions, or my reputation, or my life. In common with my friends, I possibly may have committed the error, which is often committed in *all* countries, of paying more attention to popular excitements than they deserved. Both myself and my friends, were precipitated into the measures of the Convention by the circumstances of the times. Their object, and their only object, was the public good of Texas, and of the Mexican Republic; and not the ruin of this, that, or the other individual for their own private ends. They have not made charges before the Government, or before the public against any one, on account of his past transactions. They have not attempted to reach the ears of Government, by entering the back door of the Government house, and infusing suspicion and poison into the minds of the high authorities, for the purpose of perpetrating the imprisonment of a fellow citizen. They have not attempted to shuffle off any of the responsibility upon the shoulders of others. Their conduct has been open, public, frank, candid, and marked by good faith; as *all* men's ought to be, who pretend to labor for the public good.

"If Stephen F. Austin and his friends have committed any errors, they were honest ones; and they were free and frank to confess them, without attempting to shake them off upon their former companions. In short their object was the public good of Texas, and of Mexico; they acted in good faith in the whole matter; therefore their object has been accomplished. The Government have remedied the evils complained of in Texas, and which threatened it with ruin; and those who acted last year in good faith and with pure intentions of separating from Coahuila, are now opposed to it; because the reasons which made a separation necessary *no longer exist.*

"Stephen F. Austin's motto always has been, fidelity to Mexico, opposition to violent men or measures. That motto will continue to be the basis of his political faith, and the rule of his actions. He also owes duties to simple hearted citizens of his Colony and to Texas, which he has never shrunk from executing as far as he could. If proofs are needed to establish this fact, let them be sought in the last thirteen years, and they will be found. His present incarceration and persecutions will also bear him witness. At one time I am abused for being too Mexican—too much the friend of Mexicans—too confiding in them—opposed to the separation of Texas from Coahuila, and in favor of keeping it forever bound to the state of Coahuila and Texas. At another time I am abused for yielding to the popular opinion, and for representing that opinion in good faith; and truly, firmly, and fearlessly representing it, as it was my duty to do as an agent. I repeat it again and again, I cannot comprehend these matters. In my letter to the Ayuntamiento of Austin, from Montervey, dated 17th January last, and in all my letters written since my return to this city, I have earnestly requested the most prompt obedience and submission to the authorities of the state and General Government: yea, that a public act of gratitude should be expressed by the people, for those remedies, that have been applied by the State and General Government, to the many evils that were threatening Texas with ruin. Moreover I have never failed to advise the people of these Colonies to discountenance *all* violent or disorderly politicians or men; especially all political adventurers and fanatics!

"I now repeat the same advice, and will add to it a rule, which if strictly followed, will be the means of preserving peace and harmony in Texas, and of advancing its prosperity rapidly. The rule is, to discountenance in the most unequivocal and efficient manner, *all* persons who are in the habit of speaking or writing in violent or disrespectful terms, or in the language of contempt or defiance of the Mexican people or authorities. This rule is a necessary consequence of the motto before stated. I have no doubt that motto will be avowed and sustained by all my personal friends, and I hope by all the friends of Texas, of good order and of common sense. I earnestly recommend that it may be: it will become a sound and distinguishing centre of union, and operate as the magic of a name often does, by which unity is given to a party or a whole community. I do not wish to believe there is any anti-Mexican party in Texas: if there be, the adoption, by the people, of the motto and rule above stated, will soon detect and mark it, and render its members harmless; for there is so much honesty and sound sense in the mass of the people, that a revolutionist need only to be known to be put down.

"I fear the first *pronouncement* by the State Government made at Monclova, in June, against the President Santa Anna, *has had a bad effect in Texas.* It was a very precipitate step, and has produced an answer from Saltillo quite in character; that is, a counter-pronouncement. I hope the authorities of Texas have paid no other attention to either of these pronouncements, or to any other. Knowing perfectly, that the Mexicans have always renovated their internal system, without the aid or discomfiture of their American settlers,—let those settlers, I beg, by their authorities, say that they recognize and obey the President of the Mexican states, General Antonio Lopez Santa Anna, until he is constitutionally deposed from that high station which he occupies, by the legal vote of the nation; and those authorities recognize no other mode of deposing a President, except the one prescribed in the General Constitution of the Nation—which every citizen *has sworn to obey;* and assuredly they will respect that oath.

"I again and again advise the people of Texas, to keep clear of the political family quarrels of the Republic, having every thing to lose and nothing to gain: a dead silence is the best possible course for Texas. The President Santa Anna has been accused by his enemies of having turned Congress out of doors on the 13th of May, and of having trampled upon the national representation, and so forth. The whole question turns upon the construction of the 7th article of the General Constitution, which says, 'that Congress shall close its sessions on the 15th day of April each year; but may extend its sessions for thirty days more, if the two Houses think proper, or if the President requests it.' Now, on the 15th day of April of this year, the sessions were closed as the above article prescribed; and Congress decided that the sessions should be extended thirty days more (exclusive of the feasts or holy days,) as said article prescribes that they should do. The said thirty days expired, and congress attempted to continue the session beyond that time. Had they any constitutional power to do so? If they had not, was it or was it not the duty of the President, under his oath of office, to prevent Congress from doing any unconstitutional acts. The whole question turns upon these Constitutional points. It will be remembered that the judicial authorities have no power to annul an unconstitutional act of Congress; and that the President is bound by his oath of office to prevent any unconstitutional act from being committed by any person, or by any authority. Should it be necessary for Congress to meet after the expiration of the thirty days the constitution says, article 110, clause 17—and article 116, clause

3—they may be called in extra session, by the council of Government and the Executive; and there is no other mode prescribed in the constitution for getting Congress together, after the expiration of thirty days. I fear these things have not been rightly understood in Texas, and the people have been excited to take an unreasonable stand against the President. What they ought to have done, and ought to do in future, is to take no part in such matters, neither by yea nor by nay, nor by pro or con,—stick to the constitution, and close their eyes and their ears against all kinds of plans and pronouncements; and against all inflammatory advice from all quarters, even from those of Monclova or Saltillo,—far less from those of the Interior. If Texas commits not herself, she is safe from all parties, as she has *ever been*. Santa Anna is friendly to Texas, and to me: my personal and political friends have much cause to be grateful as yet, unto him! Among those who have befriended me in my misfortunes, I hope that my family and friends will never forget Don Victor Blanco, and his brother-in-law Don Ramon Musquez, of Bexar.

"Show this to such of my friends as you may think proper. I wish them and *all* Texas, to adopt and firmly adhere to the motto and rule I have stated in this letter. I have been led into so much difficulty, and Texas has been so much jeopardized in its true and permanent interest, by inflammatory men—political fanatics, political adventurers, would-be great men, vain talkers and visionary fools—that I begin to lose confidence in all persons except those who seek their living between the plow handles: and alas for them, they are too often sacrificed before they know it! The fact is, that public opinion has been disjointed, and led astray in all parts of Texas, since January 1832. There are many there, who know how much wretchedness the political excitements have cost me, and how I dislike all inflammatory politicians. But I could not stem the current; it would have been worse than useless; but now I hope the thing will be different. The farmers of Texas have been or *ought to be* alarmed, by the inflammatory events of the last three years—and adopt the *motto* I have always followed, and now recommend to all Texas—that is, to the honest and sound part of the people. As for the balance (would to God, there was no balance in the case!) that is, mere demagogues and political fanatics, they will disappear before sound public opinion, as the gnats and musketoes do before the rays of a bright and unclouded sun. The farmers *must* (or suffer, as all hangs upon them,) proclaim with one unanimous voice, *fidelity to Mexico, opposition to violent men or measures*—and it will be peace and prosperity to Texas!"—Received September, 1834.

PARTY ADDRESSES.

The two factions which had arisen in the State Legislature of Coahuila and Texas, on that difference of opinion produced in the Republic, by the collision of the Federal President and Congress, had produced those *pronouncements* spoken of by Austin. Of course a state of perfect anarchy and confusion took place, for the time being, among the Coahuilaxanians. Those who had in July, 1834, proclaimed themselves in favor of Santa Anna's measures, threw themselves under the protection of the permanent army, and elected a commissioned officer thereof governor of the state—took possession of the congressional hall in Saltillo, and disannulled those decrees passed by the constitutional state congress from the 1st of January, 1833, to the above date.

The other faction or party established themselves in Monclova, for the remainder of the session; from whence they denounced the opposite faction or party, as unconstitutional: so that the people not knowing whom to gratify, or legitimately to obey, manifested more or less their indifference to the acts of either, until the period had arrived, designated by the state constitution, for the election of governor, vice governor, senators, and deputies to the state congress, and other functionaries. That period unfortunately expired, under the *disputed authority of both governors*. Such an event completely dissolved the constituted authorities of the state, and involved her in lawless anarchy! On account of such proceedings, a large body of Coahuila's influential citizens met in council with the inhabitants of Bexar, from whence they issued the following address to their fellow citizens of Texas.

"The disastrous events which have lately taken place, in the great Mexican nation, of which you are a part! and the deplorable and perilous situation in which the state is now placed, demand imperiously your exclusive and most serious attention. The baleful and portentous spirit of revolution has torn the republic into pieces, and threatens in the most alarming manner the liberal and republican institutions, *which you have sworn to maintain.* This spirit being suffocated for a short period, the friends of order and of liberty suffered themselves to be deceived for a moment, with the flattering hope of a happy futurity; but it has burst forth again with redoubled fury, in the city of Mexico, that inextinguishable volcano of revolutions, and has shaken the whole nation. It has broken into fragments and leveled to its foundation, the temple consecrated to its liberties, the Federal Constitution; it has buried beneath its ruins the legitimate authorities of almost all the states; and its disorganizing vibrations must be felt in a very short time to the remotest bounds of the republic: yet by none will its disastrous effects be felt more seriously, than by you the inhabitants of Texas.

"The congress of the state has ceased to exist; the elections have not been made; the state is dissolved. Two governors, equally illegitimate, contend with each other for the exercise of executive power of the state; and its inhabitants are under no legal and constitutional obligation to obey either the one or the other; as you have been made fully sensible of, by your returned representatives. This monstrous phenomenon which has appeared in the political horizon of the state, has caused a universal and frightful disorder and confusion; convincing us that we have no time to lose. Therefore, we the undersigned entreat the people of Texas to unite with their fellow-citizens of Bexar, in deliberating upon the means which it may be expedient to adopt, in order to save the country from such unparalleled anarchy and confusion!"

While the majority of the Texasians were for uniting with the constitutional Coahuilaxanians in a renovation of their state government—which they somewhat accomplished in the spring of 1835,—speculative opinions had been once more set afloat, to the distraction of the people, and to the embarrassment of their already too confused situation: so that the would-be office holders had once more an opportunity of broaching their favorite scheme of separation; and, in order to give it strength and plausibility, they enlisted the central political Chief of Texas, in their behalf, who sent forth to the people on that account, addresses thick and three-fold, of the following texture.

"*Is not a government for Texas absolutely necessary?* That it is, and that she is evidently without one, are points upon which there can exist but little difference of opinion. That Texas should immediately organize, and protect herself from impending ruin, *all must* agree. But how organize, and by what means afford herself that protection so necessary to her well-being, are matters about which contrariety and difference of opinion may be expected to exist. Many are in favor of organizing, on the principles heretofore adopted,—of forming Texas into a separate and independent state, leaving herself subject to the action of the general government, although there is, from past circumstances, but little hope left us from that quarter, and but little favor to be expected, knowing as we do the deep-rooted prejudices which have unfortunately been imbibed against us throughout the republic. It would be well for Texas, under existing circumstances, to view her situation and dependence, as respects her connexion with the state and general governments, both now in a hopeless state of anarchy. Let her then hazard nothing, neither by petitions which may not be answered, nor by requests, which have been made; but promptly adopt the most prudent and least exceptionable course, which can be found within her reach; hazarding as little to the action of the general government as possible: for when, or what form of government she may ultimately settle down in, I presume but few of us, if any, are sufficiently gifted with the spirit of prophecy to determine.

"Taking then a superficial view of our situation, as being without a government *or law*, it must be to every thinking mind, truly appalling! and should be shunned as the greatest evil which could possibly befall us; for if we should once suffer ourselves to be brought into a situation so horrible, it would be truly fortuitous if we should ever be reclaimed. But it may be considered by some that as the general and state governments are both in a state of anarchy, Texas being an appendage must *necessarily* fall into the train. In answer to this, I say that the present situation of Texas, in a political point of view, is peculiar to herself alone, and her destinies depend solely on her own action; having still within her reach the constitutional reins, and as such, can control the machine called government, into the proper and legitimate channel; or she can directly embrace the destroying fiend called anarchy, which it is well known stalks abroad in the land, seeking whom she may devour!

"Let Texas shun her poisonous embrace, and call forth the energies of her patriotic citizens, to sustain her from the threatened labyrinth of anarchy, military misrule, and final ruin. To a superficial or casual observer, the political horizon of Texas would seem to be overcast,—and the footsteps of anarchy already making their appearance; these indeed, although they may be treated as illusory by many, may soon prove sad realities and leave us without a remedy.

"But, as before observed, Texas has every thing she needs within her own control. Her unnatural connexion with Coahuila, a dissolution of which has been *so much desired* on the part of Texas, is now by the act of the *former* dissolved: let Texas then abandon her to her fate. She has withdrawn herself by her own wilful and unlawful act; forfeiting all claims to protection, from the provisions of the civil compact: let her then quietly enjoy the blessings of anarchy! She was at best but an unnatural sister; and Texas could have expected nothing better of her, than sooner or later she would act worthy of her noble self, and become a *prostitute* to the first military chieftain who might think her worth wooing. She has by her own wilful and abandoned conduct thrown herself without—let Texas then keep herself within, the pale and provisions of the constitution, which she has *sworn* to support and protect. Let the separation caused by the acts of Coahuila, be responded to by Texas, and declared perpetual. Coahuila will, in this case, be left without a plea or excuse, having wilfully committed an act of treachery, by plighting her faith and forfeiting all her guarantees. She can never be allowed to take advantage of her own wrong. Let Texas then immediately close in with her, on her own terms; suffering her quietly to enjoy all the rights, privileges, and benefits, which she can derive from the reign of anarchy or military despotism. But Texas is certainly not compelled to follow in her train: she is left free to act for herself. Let her then act the wise and prudent part, by containing herself within her own limits; under the auspices of that constitution which she has sworn to sustain and support; and thereby leave nothing dependent on the action of the general government. Texas would then occupy a position which she has long desired: if not entirely as she would wish, as nearly so as circumstances at present will possibly admit. If she will act promptly and assume that position, it will be one against which neither the general nor *any* other government in the world, can take exception. And by that and no other legitimate means can she save herself from anarchy and misrule!"—Oct. 20th, 1834.

I think I hear the reader exclaim, as every honest, sober, peaceful citizen of Texas did at that time—Good God! what a set of deceitful, ambitious, and ungrateful men has got into our country. What, while they were sitting quietly under those very laws, which they *had confessed* were granted to them more by courtesy than by strength in the state legislature, and that too by those very Spanish Mexicans whose prejudices are so often spoken of—was it prejudice, which granted every law the Americans required, as far as the power of a state government could be stretched, even to that of *tolerating all religions* in Texas, and that too while the Texian members of Congress were but as two to five? or was it too much for them, in the solitary instance of retaining the retail markets of their own state, for the benefit of their own citizens, while they left those of Texas *more than free* to the Americans, and had just called on them in good faith to add their strength to that constitutional party, which by so doing would finally prevail—*and did*—as the following address from a very different source, completely denudated those demagogues once more. Six months comparative peace and confidence was the result of this November circular of dignified reproof and cautionary advice.

"*Fellow-Citizens*—It is due to you and to ourselves, to declare, that at this time, we should not have convened or addressed you, on any minor publication which has appeared amongst us: but when repeated calls from the Political Chief of this department have been made in such a manner, we are bound and cannot do otherwise, than answer them.

"The Grand Central Committee was raised by the Convention, for the purpose of guarding the people of Texas from any impending danger: and we would be the most treacherous sentinels indeed, if we did not warn you of the consequent ruin which would result, by following the weak counsels of some, or adopting the violent, reckless, ambitious views of others!

"The people have been called upon by the Political Chief of the department of Brazos, to adopt a government of their own. And what kind of government does he propose? and what would be the consequences resulting from it? We ask you to read carefully his addresses, especially the one of October, present year, and your own good sense will suggest the answer. This plan is surely well calculated to produce disunion among ourselves—to arouse the dormant jealousies of the government, and to convict us of a wanton and ungrateful violation of the constitution and laws, which we have *sworn* to support!

"But it is said by our Chief, that Texas is evidently without a government. This position, although broadly laid down and confidently asserted, we are disposed to *as confidently deny*. It is true that difficulties have arisen between the cities of Saltillo and Monclova; that there were at the same time two persons claiming the office of Governor; and that there was no session of Congress at the ordinary period. But do these facts, in the smallest degree, prove that there is for us, no government? If so, then it is in the power of any town, city or village, to stop the wheels of government, and throw a whole community into anarchy and confusion. But it is insisted that the Constitution has been violated; and hence we have the right to organize Texas. Weak and futile is this argument, when it is tried by the touchstone of law and reason. Because one part of a state or community has lawlessly violated the constitution, is that a justification, or even an excuse for another for doing the same?

"If this political doctrine be true as to a state, it is equally true as to individuals: and when applied to men, it becomes preposterous and absurd, so that the weakest mind will easily detect its fallacy. We have no hesitation then in saying, that we still have a constitution; that we still have laws; and that it is the duty of every good citizen, with his life and fortune to support them. You are not, however, fellow-citizens, to suppose that we are opposed to a state government. On the contrary, there is nothing which we more earnestly desire: but we are equally anxious that *none* but constitutional measures should be adopted for the purpose of obtaining it. In this decision we are firmly fixed: but the plan of organizing as recommended by the Chief, seems to us to be fraught with many evils. It contains principles of a revolutionary character, and would be certain to produce that state of anarchy and confusion which he so much deprecates.

"It is revolutionary, because it proposes a separation from Coahuila, in a manner contrary to the letter and spirit of the state and federal constitutions. It would produce anarchy and confusion, by bringing us in direct collision with the state and federal governments. And in short, we should soon have no government *at all*. If this is true, allow us to ask you as men, as husbands, as fathers, if you are prepared heedlessly to rush forward in a course, the termination of which may involve your country of adoption, in all the horrors of a civil war? Are you prepared to plunge yourselves and your country into revolution, to imbrue your hands in the blood of your brethren, and finally to be expelled from the land to which we are so much attached by the strongest of ties? If you are, then adopt the plan suggested, and we have too much reason to fear that our *worst* anticipations will be realized!

"But from the information which we have, and which can be relied upon with confidence, we assure you that the feelings of the federal government, particularly those of the President, are of the most favorable character towards Texas. We are assured of this fact by our representative (Colonel Austin) and the advice which he most earnestly presses upon us, to be peaceful and quiet, and to adopt as our motto, 'the Constitution and laws, state and Federal.' If additional evidence is desired, we cite you to the repeal of the law of the 6th April, 1830.

"From the state government too, we have surely received favors the most liberal and boons the most free. In fact, what has been for our particular benefit, which we have asked, and they have not granted, which was in their power to give? It has established the trial by jury; it has organized a court especially for Texas, and if it does not answer the desired end, and make us contented, it is not the fault of the Legislature.

"But, fellow-citizens, there are other important and interesting points of view in which we wish to present this subject. Stephen F. Austin was despatched by the convention as an agent to the General Government, for the purpose of procuring a State Government for Texas. He has discharged his duties zealously, faithfully and fearlessly. This fact is known to every one; so have been his imprisonment and sufferings. His health is much impaired, and a speedy release is absolutely necessary. It is the duty of the agent to serve his constituents with zeal and fidelity. It is equally the duty of the constituents to sustain, support and protect their agent. These duties, we believe, have been thus far reciprocally discharged; and our agent has a fair prospect to be speedily released. We cannot then believe that the people of Texas can be so ungrateful—that they can so far forget themselves, as to invite fresh difficulties in the way of his liberty and perhaps his life.

"But again, when a country is in a prosperous and flourishing condition; when the mass of the people are contented and happy: when all are industriously employed in their respective pursuits; it surely must be unwise policy in any man or set of men, to arouse dissentions amongst them, and scatter the seeds of discord and confusion between men. And we ask the people, we call upon the 'old settlers,' the pioneers, who have borne the brunt and hardship of populating the wilderness,—if they have ever known the time, when the prospects of the country were more flattering than the present?

"Our land has been blessed with the most bountiful crops: the tide of emigration still continues to flow in upon us; and nothing is necessary to be done, but to discharge our duties as citizens in support of the constitution and laws; and in a short time our every wish will be gratified.

"In addition to this we are assured that the difficulties between Santillo and Monclova, are by this time adjusted, and that the state government will soon be restored to its proper functions, so that we have only to second them, and all will be well with us, as individuals and as a state.

"We cannot resist the temptation of speaking of some of those inflammatory documents, which have been cast as fire brands among the people to their eternal disquietude. We would ask then, *if the people removed to the Mexican Government to make laws or to obey the laws of Government?* If a doubt arises as to the special meaning of any law, who has the right of construing and explaining,—the Mexican Congress, or the people of Texas? If the laws by which we are governed prove bad, how shall they be altered or repealed, so as to avoid the evil, and be productive of the most good? is it by our violent expressions of disapprobation of the proceedings of Government—or by petition to the supreme power for relief?

"Is it the interest of Texas to be at variance with the Government or not? if not, why pursue a course that is certain to produce it? If it is the interest of Texas to be at a good understanding with the Government, it is the easiest course of all others to pursue. We ask you then, in the spirit of candor, and with the privilege of *first* pioneers, has the Government *ever* exacted *any* thing unreasonable of Texas? If she has, we *must*, before God and our country, say, we know it not! Again, for your experimental knowledge shall bear us out, has she ever burdened her with *Taxes* or the performance of arduous, expensive or perilous duties? Nay, has Texas ever borne *any part* in the expenses of sustaining the Government that protects her citizens, their lives, their liberty, and their property, either in legislation or in war?

"But the great complaint is, (for we must be plain, Austin has been candid,) that our Representative, whose person should be *sacred*, has been imprisoned. Was he imprisoned for being the representative of the people of Texas? or for some of his *own* conduct uncalled for by the people of Texas? Did he go to Mexico, to obtain for Texas such advantages as she supposed herself entitled to receive, according to law? or did he go there for the purpose of writing back to the people of Texas, to take by *force* those advantages, if refused by the Government? If he has advised the people of Texas to pursue a course in opposition to the known views of the Mexican Congress—and it has injured him—we ask, has it not also injured Texas generally, in like proportion? But has our representative ever said, he suffered for the sake of the public cause,—or has the people suffered for his acts, as an individual? Now, if Texas could be made a state of the Mexican union by the will of the people of Texas, independently of the Mexican government,—why send a representative to Mexico? If it could not before he went there, why could it be so afterwards, by his merely writing back to that effect, when *none* of the laws on the subject had been changed or altered?

"Another complaint is, and somewhat justly too, that the Constitution and laws are continually departed from; in consequence of which, we are compelled to forego some of those benefits and advantages which the Government promised us. It would perhaps be as well for us *all* to think of this, and speak as little about it as possible, as it might be that the too strict *Surveillance* of the parent would restrict the playful wantonness of the children. But if the complaint is just, and the inspection would be right, as *no honest* man will deny! what then, is Mexico herself in any better situation? Do we not see that faction after faction overturns the Constitution and laws almost daily, keeping up a chaos of dreadful confusion?

"When has Mexico been able to avail herself of any of the blessings of a great well ordered Government? If it is not in her power to avail herself of these blessings in the very capital, how is it possible for her to extend them to *any* other part of the government? Besides all this, we know that the business of self-government is new to them, they have so recently escaped from the iron hand of tyranny; since which they have been so often disturbed by internal commotions, that they have been driven to the utmost vigilance, to provide against intrigue and stratagem; which has been *so often* practised upon them, that they have become afraid of mere shadows.

"In this state of danger and perplexity, Texas has all the time been represented (would to Heaven, there had been no sign!) as being in a state of rebellion. Their natural, but often reasonable antipathy to, and want of confidence in foreigners—and the remoteness of Texas from the Capital, have kept up a feeling of excitement, jealousy, and alarm, in Mexico against Texas.

"These are facts we *all know*. Have we resorted to the proper means and measures—or have we *always* employed the proper instruments to abolish these impressions and regain the confidence of Government? or has our conduct *been such*, as to strengthen their prejudices? It will be said (as it has too often been) that the Law of the 6th of April 1830, injured our rights materially, by stopping American emigration, and preventing our friends from coming among us. But we fear the conduct of Texas had as much to do in that respect as the conduct of Government. But it is well known that *that* was repealed, almost as soon as made, as far as respects Austin's and De Witt's Colonies. Then where has the people of Texas been injured by that law? for there were no other settlements made in Texas by foreigners at that time, nor any other release of the law called for.

"When have the people of Texas called upon the Government for *any law* to their advantage, or for the repeal of any law by which they were aggrieved, but what their requests have been complied with? But they are so tedious, as to be likened to the sleep of Rip Van Winkle. Are there no causes for this delay? What must be the answer of all who know enough about the Government to be entitled to an opinion—Texas is situated 1200 miles from the capital of Mexico; and owing to the distance, and state of war in the country, ever since we have known it as a Republic, communications could be no other than tedious and uncertain. In the event of our petitions reaching Mexico in the recess of Congress, they must necessarily wait until the session; and wait to be acted upon in their time; and which might be at last neglected, owing to the *immense* mass of business, of more vital importance to the nation, occupying their whole time.

"All these, besides many more reasons which might be given, have been sufficient to cause so much delay as to injure Texas materially, without the possibility of remedy, be the intentions of the Government towards Texas ever so good.

"Self preservation is the first law of nature; and so thinks Texas, and therefore complains of the Government. So thinks the Government, and therefore neglects Texas. Where are these difficulties to end? They will end in Government getting through her troubles, wherein Texas *must* bear a part, or she will *add* to the calamities of the nation, and ruin herself forever!!"

LEGISLATIVE PROCEEDINGS.

The public administration suffered, in all its branches, the shocking consequences which could be produced by having two equally divided powers of Executive in the State. A treaty was made, and the dispute was submitted to the resolution of his Excellency the President of the Republic, General Don Antonio Lopez de Santa Anna; which resulted to the satisfaction of all parties, and in a renewal of the elections for members of the Legislature, and other High functionaries; so that the Legislative body, which should have entered into the discharge of its functions, in conformity with the constitution, on the first of January 1835, did not verify this act until the first of the ensuing March.

During the space of two years previous to the meeting of this Legislature, the land office of the Brazos department, (directed at this time by a Protege of Austin's, who applied the power given as much as possible *ad hominem*; and to those who may doubt it, I say *probatum est!*) had all the unoccupied lands surveyed, no matter where situated, or in what quantity, so they were of the best quality to be found in the country.

A committee (headed by Austin's representative, above mentioned, in the Colonies,) from a company of Land speculators, whose plans were well laid and whose funds were completely organized, presented themselves before this — by the people of Texas, *never to be forgotten* Legislature; who immediately passed a decree to *sell* the vacant lands of Texas, and otherwise arranged it to be done as soon as bidders should present themselves.

Of course they were there — and purchased this already surveyed land, of 411 leagues, for 30,000 dollars in hand, to the Government, or $72 99 cents per league. But we shall allow their traveling expenses, in conjunction with those by-bribes to such members of the Legislature as were not in land partnership with them, to raise the whole amount expended in this nefarious transaction, to 40,000 dollars, or $96 35 cents per league; by bringing this exorbitant price within the grasp of every man's mind, allow me to say, *two* cents, and *three-fourth* mills, per English acre!

The House went on thus for some time gloriously; decree after decree was passed, and signed by as corrupted a Governor — What will not gold do? But behold! the Brother-in-Law of the President Santa Anna, General Don Martin Perfecto Cos, Commandant General of the Eastern states, and his troops were at hand. Santa Anna himself was close by, quelling an insurrectionary movement in Zacatacus. Orders were given from head quarters, and the unconstitutionally acting Legislature of Coahuila and Texas were (with the exception of those who seasonably made their escape,) made *prisoners*; and in due time *banished*—of course their decrees of that session, declared *null* and void, by the General Congress of Mexico. The Texian Representatives, and other Americans at that time in Monclova, lost no time in their retreat from thence to Texas—raised the *war-whoop*—Santa Anna has destroyed the Liberals of Zacatacus; General Cos has arrested the State Congress of Coahuila and Texas. To arms, to arms! For the Mexicans have declared they will drive *every* American out of *their* country !!

Alas for the ignorant and simple hearted Texasians, during the summer of 1835, who were not only uncommonly harassed, but many of them slain by the hostile Indians of that period; and now, by a set of outrageously disappointed men, thrown into terrors indescribable—reports from every mouth, of evil certainty, or but of doubtful security: no organization in society, and no rule in action: but like the Hebrews of old, when there were no judges in Israel, 'every man did that which was right in his own eyes'—Civil law defunct! and Military law unborn. Then, sure enough, the *Ultras* of their country had gratification to the heart's core, if anarchy and confusion among men, grief and affliction among families, could satisfy such depraved appetites.

The alarming party were few in comparison, but they were talented and systemized; closely connected and indefatigable in their endeavors to infuse suspicions against the General Government, and commit their country without the possibility of a recall. In this they were assisted by American Refugees, from the state of Zacatacus, who said 'the orders in Santa Anna's army were, *cut down all Americans!*' But they should have added, to make the information complete, that these Zacatacusian Americans, instead of standing on neutral ground, were found fighting in the ranks of the insurgents. But, as the Texian citizens were, in the language of the Israelitish Prophet, 'scattered as sheep without a shepherd'—if not exactly upon the mountains, yet far and wide upon every hill and glen of their extensive country, which made them only the more liable to be devoured by every wolf who could make his appearance in sheep's clothing—again they were supported by the State Government who had been once more collected (at least for Coahuila) under their Governor Agustin Viesca, of considerable energy and political honesty, but who had to put up with a congress in which were many members of the last Legislature. He issued his proclamations and his addresses to the Texasians, in which he requested and demanded an armed force, to support him and the Coahualixians, against the encroachments of that military power, which he said threatened their very existence, not only as a state but as a people: for said he—"The Nation generally, and Coahuila and Texas in particular, is in the deepest jeopardy. Liberty has become a by-word, and the aristocrats now in possession of the government, wish to blot out the very word from our vocabulary!

"Citizens of Texas, arouse yourselves, or sleep for ever! your dearest interests, your liberty, your property, nay, your very existence depends upon the fickle will of your direst enemies. Your destruction is resolved upon, and nothing but that firmness and energy peculiar to true Republicans can save you. The present administration in Mexico wish to reduce Texas to a *territory*, and if this degradation should not prove sufficient to arouse you to take hostile steps, they mean to add insult upon insult—disgrace upon disgrace, until you are ultimately compelled to defend yourselves.

"They expect that England, in consideration of exclusive commercial privileges, will be induced to assist them in carrying destruction into *your* section of the Country; and from that, in case of assistance from the United States, Texas should become the *war-field of two rival nations!* The great object of separating you from Coahuila, is to have you considered as *foreigners;* and your very existence depends upon your resisting this separation at this moment. Support the Government of Coahuila as true Citizens. The members which compose that Government, are the sincere friends of Texas; and their greatest glory will consist in rendering you the first state in the Union!

"Fellow-citizens of Texas, I again repeat, arouse yourselves, gather round the standard of liberty, sustain it against every effort of Despotism and oppression. Then may you calculate with certainty on all the happiness that can be insured, by liberal institutions and a liberal administration. Many powerful States of the Union are with you. The mass of the nation is galling under the yoke of aristocratic and fanatic tyranny: and the problem *must* now be solved, whether we are to *live* as freemen, or continue to *exist* as Slaves, under military despotism."

Now the Committee of vigilance for Texas—now the Ayuntamiento of Brazos and Bexar departments, were to be found at their respective posts. The press groaned under conflicting statements, made *currente calamo*. The Couriers were continually moving from post to post, and the people were tumultuously congregated in every precinct. Resolution upon resolution was passed, and sent by the authority of the *posse comitatus*, to the Commandant General of the Eastern States in Matamoros. Those communications from the people or farmers, were of the most friendly and favorable kind; but those from the Agitators, or would-be office or land holders, of the most threatening and dangerous sort:—'down with the *Dictator* Santa Anna! and *death* to all his supporters who shall enter Texas!!'

REVENUE ORDER.

A Revenue officer and forty men by way of guard had been stationed on Galveston Bay by General Cos, in the fall of 1834, (he had been the *only* officer of the kind in Texas, for nearly *three* years;) he was often annoyed and miserably harassed on his post, by those who wished that port as free as the balance: yea, so disagreeable had his situation become, that the Ayuntamiento of Liberty took him under their protection and published the following order in his behalf, June 1st, 1835.

Department of Nacogdoches Jurisdiction of Liberty.—"The Ayuntamiento of Liberty, having been informed of the difficulties existing between some of the merchants and the Collector of the maritime Custom house of Galveston, in relation to the collection of duties imposed on foreign wares, goods and merchandize, and being desirous to put a speedy period to these dissentions:

"We, therefore, in conformity to the 155th article of the State Constitution, thought proper to issue this manifesto, indicating to all the good people of every Jurisdiction, that a prompt obedience to the Laws is the first duty of every good citizen: that every Nation enjoys the undoubted right, to establish its own system of revenue: that the *revenue* laws, *like all* other political *laws*, are to be *respected* by those who come within the legitimate sphere of their action. And although these laws may be unwise, yet to *resist* them by force is more unwise and illtimed than the laws themselves—besides it would be criminal!

"If a few *individuals* forcibly oppose the collection of the *customs*, what will be its tendency? will not others fall in their train? which if continued will ultimately produce a state of things, the injurious consequences of which are incalculable.

"We are willing to admit, that these duties, when applied to the peculiar condition of these Colonists, are disproportionate in some particulars and oppressive in others, and stand in great need of modification. But this modification is only to be effected by the National Congress. Our murmuring at home, or wrangling with the Collector who only does his binding duty, serves only to fan the flame, and augment the difficulties in obtaining the much desired modification of the tariff.

"The Mexican Congress, can have *no motive*, in oppressing the Mexican Citizens with imposts; nor do we believe they desire it; but on the contrary, if the General Congress were memorialized on this subject, in a proper and *respectful* manner, we have no reason to doubt that they would apply the *proper* remedy. In such a measure we would with pleasure tender our hearty co-operation. We are well aware, that the great body of the people of Texas are too sensible of their duty to themselves and allegiance to the Republic of Mexico, to be precipitately drawn into collision with its constitutional authorities.

But perfect subordination extends to something more than to the upright conduct of its citizens: the respectful deportment of strangers, who are not citizens, and their obedience to the laws are included. This is the *only* condition upon which they are permitted to enter our territory, or to remain within its limits. The subject of having duties or prohibiting statutes, is a matter about which they have *no* right to interfere. Every intelligent Merchant, before he enters into foreign commerce, takes care to inform himself of the particular laws of the place to which he intends to trade. He ought to know the customs due on importations and exportations—what goods are admissible, and what prohibited according to the usages—the Tariff and the regulations of the place to which he extends his trade. If he blindly precipitates himself into difficulties, for want of that necessary information which he might have had, and gets his cargo seized for a violation of the prohibitory law, which he as a merchant is *presumed* to know, what reason has he to complain? the fault is his own; the plea of ignorance will not avail him; he only suffers the penalty of his own temerity. To resort to force would only augment the mischief; and all those who might be drawn into the affair would incur heavy penalties. This Ayuntamiento therefore, with great solicitude and determination, caution *all* persons against using *any* force, violent threats, or illegal means—aiding or assisting those who may use force, violent or illegal means, against the Collector of the *maritime* customs of Galveston, in the discharge of his official *duties;* or against any of his officers, or other persons lawfully employed in the custom house department. And we call upon *all* officers, both civil and military, to lend their aid if required, to sustain the revenue officers residing at Galveston and Anahuac, in discharging their respective official duties. And we moreover enjoin it as a duty incumbent on the Commissaries and other officers of Police in Texas, to use their best exertions to suppress and prevent *all* mobs, riots, threats, or disorderly conduct against the good order and public tranquility; or against any of the public functionaries, or other individuals of this municipality, who may be engaged in preserving the Laws and the Constitution of their country inviolate; and to give timely notice of any such mal-conduct, together with the names of those who may be engaged therein, to the competent Authorities."

OFFICIAL COMMUNICATIONS.

Some short time after the promulgation of the above, the peace party as they were called, by request from the Political Chief of Brazos, sent five representatives or committee-men, from every precinct of the two departments, to consult with the central committee, on the present posture of affairs—give such advice and adopt such measures, as they in their joint wisdom, should see proper; as they had just been called upon, by the Ayuntamiento of Austin, who had yielded to the solicitations of the war party, in requesting the people to embody themselves, and march to the taking of San Antonio de Bexar from the government troops; for said they, 'As we have neglected the call of the Governor, we *must* secure Bexar, and prevent it from becoming the *depot*, from whence the Dictator will pour in his troops upon us to our eternal destruction!' As soon as the Ayuntamiento of Villa de Austin saw by the movements of the joint committees that their measures would not be adopted, and that they would transmit to General Perfecto Cos a very different resolution from what they had done, under the influence of the war party—they broke up their session and departed. The war faction became exasperated, and convened themselves *sub rosa vi et armis*, and actually insulted the flag of Mexico, *irremediably*, by appearing before Anahuac, and taking the commissioned officer of the General Government's Revenue, and all his men prisoners, dispossessing them of their arms, and ordering them 'to be seen in San Felipe as soon as God would let them!' returning themselves to their own homes, before the people of the country were aware of their intentions.

This did not yet discourage the deputies of the people. They were determined to finish the business entrusted to their care, and sent an express to General Cos, by two of the most influential and worthy citizens, who were directed to leave *nothing* unexplained to his Excellency, who had been as yet continually assuring the people, not only of his own but of the Government's good intentions towards them. The Committee prepared their resolutions in the name of the people, and promulgated them as follows, in and through their Political Chief.

"*To the People of Texas*—Fellow-citizens, I now address you with a summary statement of what has been done, by your Representatives in committee assembled in the town of Austin, under my presidency, as Wyly Martin, and do now in consequence lay before you a course to be pursued, which I trust will be your beacon in these times, and a warrant for the establishment of tranquillity, which has been so unhappily disturbed.

"The many reports circulated among us, of the alleged actual hostile preparations, and exterminating intentions of the Mexican government towards us—that armies (of which we have seen nothing) were in march to *drive us from our land*, despoil us of our property and rights—having produced throughout Texas an uncommon and most pernicious degree of excitement—stayed emigration, (the bone, sinew, and marrow of our strength and prosperity,) and now induced some emigrants to return without accomplishing their intentions of settling: therefore, the respective districts of Austin, Columbia, Mina, Gonzales, Colorado, &c. &c., held meetings, to deprecate the *course* and the *authors* of those excitements, and to resolve that committees from their respective jurisdictions, should congregate with the committee of vigilance, for the purpose of conferring on matters relating to the public good; and, by investigating the cause which has affected it, be enabled to send forth, to their respective constituents, and to the inhabitants of Texas, in general, statements which have not their aim in *sordid* interest, in partiality, or in undue affection, and enmity—but in honest and heartfelt desire to allay the storm which has been conjured up, on this privileged soil, and sent away from, and disturbed in their homes, families, who fled at the reported approach of danger—preceded by the genius of destruction! On assuming to myself, by virtue of my office, the charge of addressing you—I do most earnestly request you to lay aside excited feelings—to banish from your breasts, interests and partialities, prejudicial to the common weal—and by examining and comparing facts, to come to a right conclusion.

"Some importers of goods *have refused* to pay at the Ports the duties or to comply with the formalities prescribed by law, an [illegible] lawless coast from the Nueces to the Sabine has been the result. An expedition of *armed men*—Americans! was got up by a part only, (and remark, a *small part* too) of Texian citizens, presented themselves before Anahuac, and compelled that garrison to surrender; thereby trampling on the *rights* of the Mexican flag, and treating the Mexicans residing among us, as *hostile foreigners*, whereas *we* are Mexican Citizens!! residing on Mexican Territory! and with oaths of allegiance *still fresh* upon our memories. Correspondence from some of the Mexican Military authorities, addressed to the Commandant at Anahuac, was forcibly taken possession of; and some Mexicans have unfortunately been *shot* amongst us as spies; whose crimes, *if any*, have been thus cruelly punished! before they were properly known, or investigated—or proved!!

"That such outrages, on the government we live under, should have been committed by some individuals is much, very much indeed to be lamented! But it is still more to be lamented, that Texas, whose interests lie in peace, and the *majority* of whose citizens are peaceful, should be dragged into collision with their *own* government, by the precipitate, and unjustifiable acts of a *few*. In this case *it is not* that government, which has committed on us aggression; it is a certain part of the Texas inhabitants, who have proved to be the unprovoked and *unnecessary aggressors*. If we had just cause for taking up arms,—if we were indeed invaded, it would be that I, even I an old pioneer, should say, let us resist like Americans! in whom resistance to oppression and invasion is characteristic, and to whom in a correct cause fear is unknown—(but, a word to the wise about invasion, let them see to it.)

"I deprecate those acts, because they were uncalled for, and unnecessary. And I earnestly advise my fellow-citizens to remain peaceable, and to obey only those orders which may *lawfully* emanate from their Constitutional authorities. The official communications (which have already been published) from General de Cos, to the Political Chief, breathe throughout—as you will also perceive by the one annexed—peace and harmony, inculcating obedience to the laws, and more recently (as you will see) Colonel Ugartechea, the principal commandant residing at Bexar, has addressed the same authority (Political Chief) and assures him '*that the Colonists have nothing to fear from the introduction of troops*,' and that they (the Mexican authorities) have never thought of trampling on the rights lawfully acquired by the settlers, who ought not to doubt, that the Supreme Government *will* attend to their representations, and will at the same time omit *no* means, for accomplishing the grand object—the welfare of *all* and each one of the inhabitants of this interesting part of the Republic!"

"I have also the pleasure of communicating the agreeable information, contained in the last letter received by your servant from Colonel Austin, dated 'Mexico, March 10th, 1835,' in which he says—'The territorial question is *dead*. The advocates of that measure are now strongly *in favor of a State Government;* and that subject is *now* before Congress. A call has been made upon the President for information on the subject; and I am assured, the President will make his communication in a few days, and that it will be decidedly in favor of *Texas and the State*.'

"From a full and arduous examination of all the evidence, and knowing by the resolutions and sentiments of the *many* people, that there is no wish to come to a rupture with Mexico, and that peace is their prayer; knowing therefore, that *peace* is the desire of their constituents, your respective committees have deemed it fit not to withdraw, until they had done every thing in their power to restore that boon to Texas, and that union which ought to subsist with our Mexican brethren. They have provided for a personal interview by proxy with General Cos,—they have nourished, cherished, and assisted the former Commandant of Anahuac, (as he could not be prevailed on to return to his post,) and his men, to land according to their request in San Antonio de Bexar.

"May every success attend their endeavors. May tranquility and prosperity exist, and be permanent in Texas: and whilst it satisfies the ends of justice, may its dignity at the same time remain uncompromised, is the fervent prayer of your Political Chief and fellow citizen, Wyly Martin, who has the honor of laying before you the proceedings of your Committees, and the other documents necessary for your instruction and comfort."—August 15th, 1835.

"We the representatives of the people duly elected and appointed by them, to learn, try, weigh, and resolve, upon the cause and effect, which have produced evils unbearable and fears unmeasurable, in the breast of *every* citizen, who wishes his own welfare and his country's to be inseparable.

"Our constituents learning that the Congress of the State had, during its session of March present year, acted improperly—contrary to the rights of States, and in direct opposition to the Constitution of the Mexican confederation,—being corrupted from their line of Legislative duties, by the undue influence of a few foreigners and others, they became amenable to the laws made and provided—Therefore were they treated by the government of the nation according to their deserts.

"Those who had escaped, for the time being, just correction and punishment,—threw themselves into the midst of our tranquil community; disorganized the system by overthrowing confidence and hope—like the scorching blasts of the sirocco winds, carrying destruction, grief and dismay, into the peaceful dwellings of every loyal, virtuous and contented family. If checked in their designs of compromising the people, or detected in their falsehoods resorted to, in order to cover the guilt of their proceedings—perseverance was their motto, and fertility of invention their characteristic: so that by the flexible nature of their sinuosity, they were enabled to give to the country of Texas, an unparalleled shock throughout *all its members.*

"To give this shock consistency and name, the Governor called upon each Department of the State, for one hundred men, armed and equipped, to sustain him and a *vile* Congress, that have bartered our public lands, for a mere song;—but he found that in calling upon us, 'he had reckoned without his host.' It was too much for us to risk, (if it was not too much for him to ask) our blood to sustain those who had wantonly squandered our lands. It will be recollected that the advocates of a state government have ever contended that the public lands would sustain for the *first ten years* the expenses of a state government. What will be our situation when deprived of this land? There will be found but one set of men in *all Texas*, who would support such measures, and those are the *very men who purchased the land.*

"The law of the 14th of March past, is looked upon by the people with horror and indignation: it is looked upon as the *death blow* to this rising country. In violation of the General Constitution and laws of the Nation—in violation of good faith, and the most sacred guarantees,—Congress has trampled upon the rights of the people and the Government, in selling *four hundred and eleven leagues* of land at private sale, and at a shameful sacrifice; thereby creating a monopoly,—thereby entirely ruining the future prospects of our country, contrary to law, and contrary to the true interests of every citizen in Texas! Therefore—

Resolved—That we protest against the late sale of our lands, in the late Congress of Coahuila and Texas, and view it as an act of corruption in all parties concerned; and that we *will not* sustain such men nor measures—But on the contrary, aid the General Government in maintaining the integrity of the Constitution and Laws of the Mexican Nation.

Resolved—That we recommend and promote by every means, a general union of sentiment among ourselves, moderation, organization, and a strict adherence to the laws and constitution of the land; meanwhile, protesting against the conduct and acts of any set of individuals (less than a majority,) calculated to involve the citizens of Texas in a conflict with the Federal Government.

Resolved—That we *shall*, if required, assist the Government of our country against those persons who *will not* obey the Revenue laws of Mexico; and that we will particularly assist in bringing to condign punishment *those individuals* who have with malice afore-thought, and with rebellious intentions, insulted the National flag of the Confederation at Anahuac—denouncing said individuals or persons, as *foreigners*, and disclaiming all participation in their acts whatsoever.

Resolved—That we sincerely invite the Supreme Executive, to carry the Revenue laws into effect; suggesting at the same time a modification of these laws, in order that the duties *shall all* be collected. We believe that reasonable duties, collected by Collectors understanding both languages without favor or collusive management, would be cheerfully submitted to by the Merchants: but in a contrary case, we pledge ourselves to aid the Federal Authorities in their collections.

Resolved—That we furthermore suggest to our Federal Executive, that a Court of Admiralty Jurisdiction, to hold its sittings in Texas, would greatly facilitate the object of collecting those duties; while at the same time it would relieve Texas from the embarrassment of tedious and foreign suits.

Resolved—That we wish to be considered, as the faithful and legal citizens of Mexico, and that we are disposed and desirous to discharge our duties as such; and that it is our wish and interest to *remain attached* to the Federal compact; humbly sustaining our position until the Federal Congress shall legally admit us to the rights of a separate state—or till the loyalty and patriotism of the inhabitants of Texas *shall* challenge this comfort at their hands!

Resolved—That every act or deed, tending to interrupt the harmony and good understanding of the Federal Government, and Texas, by whomsoever made, deserves the marked disapprobation and contempt of every friend of good order and constitutional regularity in the country—therefore, we pledge ourselves, our property, our honor, and our lives, to abide, stand by, and fulfil, as becomes the determined resolves of freemen, all and every duty required of them, *as such*, by their own free will and consent !!"—Signed &c.

THE BRIGADIER GENERAL
MARTIN PERFECTO DE COS,
Commanding General and Inspector of the Eastern Internal States.

IN THE NAME OF THE PRESIDENT OF THE REPUBLIC:

I MAKE it known to all and every one of the inhabitants of the three departments of Texas, that whenever, under any pretext whatsoever, or through a badly conceived zeal in favor of the individuals who have acted as authorities in the state, and have been deposed by the resolution of the Sovereign General Congress, any should attempt to disturb the public order and peace, that the inevitable consequences of the war will bear upon them and their property, inasmuch as they do not wish to improve the advantages afforded them by their situation, which places them beyond the uncertainties that have agitated the people of the centre of the Republic.

If the Mexican Government has cheerfully lavished upon the new settlers all its worthiness of regard, it will likewise know how to repress with strong arm all those who, forgetting their duties to the nation which has adopted them as her children, are pushing forward with a desire to live at their own option without any subjection to the laws. Wishing, therefore, to avoid the confusion which would result from the excitement of some bad citizens, I make the present declaration, with the resolution of sustaining it.*

Matamoros, July 5, 1835.

Martin Perfecto de Cos.

---

* As a rarity of its kind, we subjoin a copy of this document in the original language and form, with a fac-simile of General Cos's signature, which, according to the Spanish custom, consists simply of a flourish of the pen under the printed or written name: This custom in Mexico, learned at first by the child with a stick in his hand, saves the feelings of the unlettered man, and his flourish stands side by side equally proud, and recognizable in a court of justice with that of the most learned scribe!

Principal Commandancy of Coahuila and Texas.

"Charged by the Commandant General, with the preservation in the State, of public tranquility and fulfilment of my duty—I can do no less than address you as interested in so important an object, upon which depends the happiness of the inhabitants of the Department; in order that you may make every effort, for dissipating the alarms occasioned by *false* information, communicated by unquiet and revolutionary characters, who, resentful at not being able to carry into effect their depraved intentions of *dilapidating* the lands of Texas, wish to make the inhabitants believe the Supreme Government is going to send forces to *dispel* proprietors of the possessions, which they have acquired by a *title*; without any other object on the part of those *perverse men*, than to prosper by means of a revolution."

El General de Brigada MARTIN PERFECTO DE COS, *Comandante Generale Inspector de los Estados Internos de Oriente.* A NOMBRE DEL PRESIDENTE DE LA REPUBLICA.

HAGO saber a todos y a cada uno de los habitantes de los tres Departamentos de Texas, que siempre que bajo cualquiera pretesto o por el de un zelo mal entendido en favor de las personas que fungieron de autoridades en el Estado, y han sido depuestas por la determinacion del Soberano Congreso General, intentasen trastornar la quietud y el orden publico, pesaran sobre ellos y sus intereses las consecuencias inevitables de la guerra, ya que no quieren sacar las ventajas que les proporciona su situacion, que los pone fuera de las oscilaciones que han agitado a los pueblos del centro de la Republica.

Si el Gobierno Mexicano gustosamente ha dispensado toda su consideracion a los nuevos pobladores de Texas, sabra tambien reprimir con mano firme a los que olvidados de lo que deben a la Nacion que los adopto por hijos, se avancen hasta querer vivir a su voluntad, sin sujecion ninguna a las leyes. Deseando pues evitar los trastornos que resultarian de la ecsaltacion de algunos malos Ciudadanos, hago la presente manifestacion, con protesta de sostenerla. Matamoros, Julio 5 de 1835.

MARTIN PERFECTO DE COS.

"In order, therefore, that you may succeed in tranquilizing the mind, and dissipating the *falsehoods* which have been spread for the purpose of compromitting the colonists, you can show them this communication, and also manifest to them, that they have *nothing* to fear from the introduction of troops; as this measure would have *no* other object, than that of placing them as detachments at the Ports, to prevent the smuggling trade—which is carried on with impunity by adventurers—and likewise to prevent the incursions of the Indians, who, when they are not chastised, become every day more insolent, and too frequently commit hostilities.

"Nor have we *ever* thought of trampling upon the rights lawfully acquired by the colonists, who ought *not* to doubt that the Supreme Government *will* attend to their representations; and will, at the same time, omit *no* means of accomplishing the grand object, of the welfare of all and each one of the inhabitants of that interesting part of the Republic.

"At the same time I do no less than expect, that you will by the virtue of your office, prevent the enemies of order from circulating reports, forged for the purpose of compromitting the incautious: and if there be *any* person or persons in the Department, whose minds of pernicious counsel are occupied in disturbing tranquility, and whose actions are conducted to the injury of their country, you will forthwith proceed to restrain and correct, by the power which your office creates; bringing them to just punishment, according to the Constitution and laws of your country. On this occasion I have to offer you the protestations of my particular consideration and regard. God and Liberty." DOMINGO DE UGARTECHEA.

Bexar, July 15th, 1835.

WAR FACTION.

As soon as the above facts were promulgated by the Political Chief, the members of the war faction found their situations in the upper parts of the country very dangerous: therefore did they congregate themselves in Brazoria and other places near the sea board of the Province;

where they were joined by their best friends the slave holders, who said, 'their negroes, G—d—'em, were on the tip-toe of expectation, and rejoicing that the Mexicans were coming to make them free !' Samuel Williams (already mentioned) who had been the *shadow* of Austin in the Colonies, ever since he departed for Mexico in 1832—and who was blamed by those opposed to the land speculation, as the leader of the monopolists, took his departure for the United States of the North, with all expedition ; but not before he had been rather roughly handled in Colombia. He was accompanied by some of the most talented of the faction, who were thought the *best* qualified to make a diversion in their favor, among the citizens of the United States. Others were despatched to Nacogdoches, where Colonel Durst, who had been the Legislative member for that District—and who had received by *contract* some of the land for his assistance in this *Yazoo affair*, had just published an exculpation of his conduct, wherein he said, 'If the Texian citizens had not purchased the land, somebody else, not so intimately connected with the country, *would have received it*.'

When General Cos heard of the Anahuac affair, he despatched one Captain Thompson—an adopted citizen of Mexico, (formerly of England) with his small sloop of war, to make observations, and find out whether the Collector and his men had been *massacred* by the Americans, as had been reported, or not—and return to Matamoros as soon as possible, with his information. But in the person of Thompson, the old proverb was verified, 'set a beggar, &c.,' for as soon as he arrived at Anahuac, he acted with so much insolence, (the fact is, there was too much bantering bravado on both sides,) and tarried so long on the coast, that his opponents had time to collect their strength, by uniting together such lumber vessels as could be got at, and loading them with such destructive materials as could be found, best adapted to attack him with success.

But they were disappointed in the pleasure of hanging him! by the expeditious measures made use of in New Orleans, to fit out the regular trading schooner San Phelepe, with *hollow-ware* and other necessaries, supposed by the agents of the Gulf Party, to be *best* adapted for their welfare. Thompson hailed this vessel of hard-ware, with the authority of a Revenue officer; and the Americans not hearing him distinctly, imagined he must be hungry; therefore, with the best feelings of human nature in such cases, sent him a hollow tube full of their *most* substantial provisions. The compliment was returned with gentleman-like courtesy, until Thompson saw some of his men overgorged with American politeness. Therefore, to save the balance, he yielded the contest of such reciprocal urbanity. But as he could show no document in support of the character which he had assumed, they sent him to New Orleans as a pirate, who had been caught interrupting the trade of *both republics*.

At this time the public press in Brazoria, (the only one then in Texas,) had been taken possession of by the united company of Whigs, as they termed themselves; but, according to the opposition *majority* still, land-jobbers, lawless merchants, slave-holders, office-seekers, and vain grog-drinking boasters. However, be that as it may—it was deemed an act of prudence in the d—d Tories, as the would-be peaceable party were called, not to visit the lower country too much, nor to interrupt them in their high handed proceedings. Resolutions and addresses were distributed in every quarter, by a committee of men appointed for that express purpose; as they were determined to provide in the best manner they could, for that resistance they were *sure* the Mexican government *must* now make, or be unworthy of the name!

They now saw, or thought they saw, that not only would their application to the American citizens of the United States of the North be *successful*, but that their own strength now was by no means contemptible. Besides, the oppositionists would *pro tempore* be so involved, that they will be obliged to fight or lose their property;—for we have in the first place

Resolved—That no person or persons whatsoever, under the control or in the name of Santa Anna, shall be suffered to enter Texas, whatever may be his credentials, or upon whatever principle he may assume the privilege. Secondly, we have

Resolved—That if any citizen or citizens whatever, shall leave the country on, or before the contest—or shall assist the enemy in *any* shape whatsoever, during the conflict, their property shall be confiscated for and in behalf of the war. And thirdly, we have

Resolved—That the property of those inhabitants, who may pretend neutrality or otherwise, so as not to assist their brother Americans in this war, shall be the *first* sacrificed to its welfare and prosecution!

Now as Providence would have it, once more Colonel Stephen F. Austin appeared among them. Of course he became the *rallying point* to all parties in this political contest. 'Committed!—*once more committed*, my friends,' he cried, 'in the sight of heaven and of men!! Down with those rag liberty poles, more like scare-crows in a potato-patch, than flags of honorable [illegible]. Have you forgot the Freedonian pin-pole of Nacogdoches, which was *danced* round by the facetious liberty-men, until its bark flew off, and with the last peeling they had to fly themselves.'

At this time the people of the northwestern Texas were occupied day and night with the hostile Indians, or in mourning over the infatuation of more civilized men. And the inhabitants of the southeastern parts of the country were engaged night and day with frolicsome parties, or were rejoicing over the prospects of their ascendency among men.

As the rulers and people of the Mexican republic were divided in their explanations of the Federal Constitution, it was thought best, *by taking all things as they now stood*, for the Texasians to raise in full concert the standard of state rights, being that which the Liberals of Mexico had adopted, in opposition to the present reigning government. By their taking this step, something like rule and order again prevailed in the country. And those who were the best adapted, for the purpose of creating an excitement in the United States, were sent to those places where the merchants and land speculators resided, so that they might be supplied in the first place, with that which was the most needed, a larger quantity of funds than men. Now if it is the duty of a Representative to do all he can for his constituents, and for a lawyer to say all he can in favor of his client, in like manner it should be allowed—and more so, for the Texian deputies to work on the passions of the people, as they are in one respect neither like the representative nor the lawyer, asking for a right that should be acknowledged, nor for a fee which should be paid, but for an offering of free will, always given with the most sympathy when the petitioner has the tact of coloring the question in his favor, and holding the picture of distress in the proper degree of light and shade. Therefore, in this case the following method *has been* and must be pursued: Tell the Americans of the United States, that the Texian Americans claim their sympathetic assistance as brothers! But, tell them not, that *many* of these brothers injured them all they could in pecuniary matters, before they forsook the paternal roof, and that another set of them, especially those who have been the *only* cause of the Texian troubles, left them because their now feeling relations would at that time, had they not gone without a *good-by*, sent them to a far different world!

Again, tell them, that the Mexicans are not only cruel, but treacherous and cowardly;—but tell them not that they have been cruelly deceived and treacherously dealt by—nor that their cowardliness is not exactly to be estimated by the poor zambo soldiers the Americans have been heretofore accustomed to. Tell them also, that the Mexican government, instead of nourishing and cherishing the people of Texas to the best of their abilities, has been their robber and oppressor;—but tell them not that the greatest robbers and oppressors of the Texian settler, have been their fellow-citizens, and those who pretended to supply their wants; and that the Mexicans have never in one solitary instance called on a Texasian for any assistance whatever, in their troubles with government. Tell them, that the favor of settling Texas has been *all* on the side of the Americans;—but tell them not, that *every* Territory in North America was all to settle in the same manner, and the land to be purchased besides, at *twenty* times the cash amount. Then tell them, that the Mexicans are hiring the hostile savages against the poor Americans;—but tell them not that the Americans have as much control over the Indian barbarians as the Mexicans have; and that the Americans may thank themselves for a great deal of the savage animosity! And forget not to tell them a pitiful and exaggerated story about the privations which had to be endured, of hunger and thirst—dangers innumerable, and woes too horrible to relate;—but tell them not, that there have been but few instances of starvation; and not so many woes—nor yet more dangers, than are to be met with in every new country. *Above all* tell them, that the Mexican government was the *first* aggressor, in this cruel, barbarous, and unjust war; but beware! tell them not, that a government ought to be believed—especially by its own subjects, until it acts contrary to promises made. Now had the government of Mexico been allowed to send those Washinangoes necessary, to collect the revenue and assist the people against the murderous savage—then it would have been proved by their conduct whether the promises of government were *false* or not. If false, such *cowards* by a united people, would have been soon whipped or starved out of the country. Then it would have saved much wrangling, much division and much sorrow, with a great deal of heart-burning animosity against one another among the Texasians, which will *never* be completely eradicated; to say nothing about those lives lost on the occasion, among the Americans themselves, that *can never* be recalled!

Now when all these things have been told, and all those matters have been left untold, finish the subject as systematically as it was begun, by telling them (and fear not the *corpus juris civilis*, for the law was *never* made that could not be evaded,) not only of these lands set apart for the special benefit of those patriotic volunteers who shall assist their brethren in distress, but of the many privileges they shall receive and enjoy at the hands of the grateful Texasians;—but as before, tell them not, that the lands of Texas now unclaimed, are of little, if of any account whatever, for the purpose of agriculture; and those persons who shall give up a part of what they *now* possess to such men, will be sure to keep the cream of the pot, in the *land* as in the *office* for their *own use;* and probably throwing with the begrudged morsel *a bitter taunt*, such as, 'the Oppidans of the United States rejoiced over that occasion, which took from their cities, *so many* unruly disturbers of the public peace!'

The Mexican Government had always had a small body of troops stationed in Bexar and Galiod (the two only Spanish towns in Texas,) but, by the new order of affairs which had taken place in the country after the arrival of Austin, these troops must either join the cause of the Mexican Liberals, (now the *ostensible* cause of the Texasians,) or leave the Province. At this time General Cos was still relying upon the many promises heretofore made by the peace party—still confiding in the loyalty of his soldiers to the government cause—still believing that the war party might be deterred from high handed measures—and still concentrating his disposable forces in San Antonio de Bexar, as their most eligible point of reasonable security, in case of his friendly negotiations proving of no avail, between the people and their government.

But he leaned upon a three-pointed broken reed, and by it he was transfixed! for the Texasians now in power, had but one answer to all his overtures of compromise, 'Constitutional republicanism'—'accede thereto as our friends, if not you must soon meet us as our foe!' And sure enough they lost no time in calling upon him as their enemy, to whom they had the pleasure of introducing a goodly number of American volunteers. The one half of his soldiers were to the government disaffected, and the other half soon gave up the unequal contest; but not before many a valuable life was lost, especially on the side of the conquered. The prisoners (some of them noble ones too,) were sent to Nacogdoches for better security, while the government stores were taken possession of as a God-send, by their needy conquerors.

'Now,' said Stephen F. Austin, the commander-in-chief of the Texian army, 'let us organize, train, and prepare, for the best reception possible of Santa Anna's large body of troops, said to be on their way from the city of Mexico, in order to quell the insurrection, or rebellion of the Texian Americans.' 'Good,' they replied, 'and in order to prepare effectually, let us (for patriotism must, in order to avoid a natural death, like every other ism, be fed with its corresponding food,) visit the scattered, frightened, and insulated Spanish shepherds, with their flocks and herds on the banks of the Rio Grande; and if the Mexican troops should appear, we can fall back, and that too in such order, as will not only be highly beneficial to those heroic spirits engaged, but to those who wish them well, although circumstances debar them from otherwise partaking of the glorious enterprise!'

Such doctrine crossed the line of Austin's creed a little too much—therefore, it was by the army agreed, (not only on that account which might never be prosecuted, but otherwise,) that a warlike chief of more energy was necessary for their welfare. Consequently, ex-governor Houston of Tennessee was elected their leader; while Stephen F. Austin, who wished to visit the United States, should still hold his high office as generalissimo of the soliciting corps stationed there, not only for the good of his country, but for the peace of his mind, and the right exercise of his talents.

LATE OCCURRENCES.

To conclude, as far as political matter is concerned with truth, the eventful year of 1835 in Texas, I shall only add a few genuine documents of thrilling interest, and leave 1836 to speak to the reader and myself, well assured, that to the unprejudiced man in Texas it will speak the truth; but as well convinced, that truth will be a stranger to the man who lives out of it, although rumors and despatches many, each, in their turn, will call upon him, and say 'I am *veracity!*'

NATIONAL GOVERNMENT HOUSE, MEXICO, 19th Nov. 1835.

THE undersigned as principal officer charged with the despatches of the Ministry of Foreign Relations of the

Mexican Republic, has received orders from his excellency the President, to address the government of the United States, through its secretary of state, on the subject of two questions of great interest—which should be explained with all good faith which characterizes both nations. Justice, reason and mutual interest require that this explanation should occur to prevent being destroyed the ties of friendship and reciprocal confidence which has subsisted till the present time between both countries.

Conformably to the orders of his government the undersigned, in addressing the honorable secretary of state for the United States, has the satisfaction to be enabled to announce to him in advance, that his government is well aware that principles of justice invariably direct the cabinet at Washington, which has already given sufficient proofs of its kindness and sympathy for the welfare and prosperity of the Mexican republic. He has never doubted and does not doubt that as soon as these claims will be proved just and well founded, they will be rectified with all that promptitude used by the most friendly nations to repair their reciprocal wrongs.

The first subject to which the undersigned feels it incumbent on him to call the attention of the secretary of state of the United States, is the notorious co-operation of a great number of the inhabitants of Louisiana, with the insurgents of Texas, whose cause they have espoused and with whom they act as auxiliaries. The Mexican colonists—for they are so and can be nothing else, since they have renounced their original nationality—would never dare to violate so openly their duties towards their adopted country, had they not the assurance that prompt and efficacious succors would be given them along their frontiers. These succors are furnished by American speculators who regard solely their own interest.

Unfortunately for them these assurances have been too well founded. Even before they raised the standard of revolt, they had received from their friends at New Orleans all the necessary materials to prepare and kindle that flame which must inevitably devour their increasing prosperity, if they shall not promptly open their eyes, and submit anew to the authority of the national government, which they have outraged, and which if it disclaims to revenge itself, is yet firmly resolved to render itself respected in the extent of our immense territory. Since that the colonists of Texas have obtained and daily obtain from New Orleans, assistance of all kinds, in men, munition and arms, in silver and soldiers, who publicly enlist in that city and carry with them arms against a friendly nation, the solution of this question, purely domestic, is rendered more complicated by their presence. Even public assemblies have been organized at New Orleans, which with the greatest publicity interfere in the affairs of Texas, or even direct them—and either by means of the press or meetings ostensibly convened, seek continually to generalize the future views of some of them and Texas with the opinions of the citizens of the United States; in other words, they seek to give a color of American nationality to what is in fact a mere speculation of different adventurers of all kinds.

The undersigned knows already that many of these acts have been committed and are still committed under the refuge of the liberatism of American institutions—without the local authorities or the government of the nation having any power to oppose them; of which kind are the freedom of the press, individual liberty, and the unrestrained exports of commerce. For these reasons, then, the government of the undersigned cannot and should not solicit the action of the United States Government, except to adopt measures authorized by its own laws to prevent the evils which a foreign intervention (although individual) in a domestic dissention, may produce to a friendly nation, attached to it by political and commercial ties.

The second subject on which the undersigned must appeal, is the capture and arbitrary detention of the Mexican schooner of war, the Correo of Mexico, captain Thompson. This ship was captured in the waters of Texas by the American merchant ship the San Felippe, captain Hurd. To justify an act so scandalous, and doubtless to countenance this gratuitous outrage done to the Mexican flag, a part of the crew of the Correo have been accused of piracy.

The undersigned can assure the honorable secretary of state for the United States that the ship Correo commanded by Thompson was a ship of war, under the full authority of government: that captain Thompson, as well as the whole of his crew, belonged to the national marine of the Mexican republic; that they were found in the seas of Texas in the execution of orders received from competent authority; and that in short the coast-guard service of the schooner imposed on her captain the duty to prevent all contraband, and chiefly of war. This being established, how can a ship of war, recognized as such by a sovereign nation, be considered a pirate—since to be declared a pirate, according to the doctrine of Galiane, Aruni, Hobbs, and all jurists who have written on maritime law, a ship should have neither papers nor commission of any government, nor belong to any nation? Then they reply that he has committed excesses, as there is none to reply for him. If captain Thompson had overstepped his powers, in visiting ships beyond the view of the coast—if he had committed violence, or had seized on the property of any American citizen, he depended on his government which would infallibly have punished him, and indemnify all the parties for the losses which they might have suffered. But it is not on the simple affidavit of Captain Hurd that they can ever establish the culpability of Thompson, if he is really guilty; nor has the captain of a merchant ship the right to capture a war vessel of a friendly nation, to lower its flag, declare its crew prisoners, and cast its officers into irons—and lastly hoist a flag different than its own;—and take it as a prize into a foreign harbor.

These principles are those of maritime jurisprudence. The undersigned knows too well the great extent of the learning and knowledge of the honorable secretary of state of the United States, to explain to him those principles, founded not only on international rights, but on the constant practice of maritime nations. In consequence the government of the undersigned does not hesitate an instant to believe that the American government will show itself impartial and just—that it will order the restitution of the Correo of Mexico, which being a ship of war is national property—that it will set at liberty captain Thompson and the other prisoners detained at New Orleans, under pretence of a charge of piracy—that it will make captain Hurd responsible before an American tribunal for the gratuitous insult done to a ship of war of a friendly nation, and render him amenable for all the damages and prejudices occasioned by his arbitrary conduct. On its side, the government of the undersigned is resolved to establish an enquiry into the conduct of captain Thompson, who will be examined in good faith and with a scrupulous attention, so as to leave no doubt of his guilt or innocence; and in the first case to punish him with all the rigor of the laws, and indemnify all who may have been injured by Thompson in his quality of commanding a Mexican ship of war.

Approved by the undersigned, charged with the ministry of foreign relations, &c.

JOSE MARIA ORTIZ MONASTERIO.

To the honorable secretary of state for the United States

New York Commercial Advertiser, November 23.

"The packet ship Montezuma, Captain Davis, arrived in New York from Vera Cruz, (sailed on the 6th instant) bringing advices from that port to the 5th, and from Mexico to the 1st, inclusive.

"The tidings of the movements in Texas had reached the capital, and as was to be expected, had produced a great excitement. The most energetic measures were resorted to without a moment's delay, and there is every appearance that we shall soon hear of serious doings in the revolted province. A strong feeling of ill will and suspicion against the Americans resident in Mexico was aroused, and apprehension was entertained of injury to their persons and property. A large number of commissions for privateers—the accounts say five hundred—had been received at Vera Cruz, to be given out as occasion might require. The archbishop of Mexico and the bishop of Puebla had undertaken to furnish the government with a million of dollars to carry on the war."

From the advices aforesaid, we find the language of the Mexican newspaper editors, as follows, "The colonists of Texas have revolted against that supreme government, or, to speak more correctly, against the nation which has shown them such generous hospitality, and lavished upon them means by which they might live and even enrich themselves. It is not, fellow citizens, a question of *pronounciamento* in favor of federalism, or centralism, or who shall govern. What these ungrateful men aspire to, is to rob Mexico of the fertile soil to which they were admitted, without any other condition than submission to the laws of the country which they hypocritically swore to obey.

"A handful of perfidious adventurers, seduced or led on by those enemies of their native soil, Lorenzo Zavalla and Jose Antonio Mehia — from a corner of the republic, from the very spot whither they were from compassion allowed to go, endeavor to impose laws on and trifle with the gallant and heroic Mexican people. They would deal with us as the viper did with the simple and humane husbandman, who warmed it in his bosom to bring it into life; but they are greatly mistaken. The supreme government has called into action all its resources, and the supreme congress was devising new ones to preserve the Mexican territory entire, and to make an example of the ungrateful and wicked adventurers who attempt to dismember it, and insult the generous nation which gave them shelter and hospitality."

"Now, more than ever, we should be wise and rally round the supreme government, to avoid becoming the plaything of a handful of banditti, whom we have inconsiderately fostered. We repeat that this is not a political question, nor nothing like it. It is a question of national honor, shamefully outraged and otherwise assailed. We, Mexicans, every where justly bear the character of possessing a nice sense of honor and bravery — let us prove that we deserve it; let us place at the disposal of the government all the resources in our possession; let us take up arms and march against the robbers of Texas, that nothing more may remain of them, than there does of Troy, the memory that it once existed. Justice is on our side, we are not the aggressors, we have been insolently and audaciously provoked, let the punishment be terrible, that it may serve as an example. The Supreme being is just and merciful and will not forsake us."

NEW ORLEANS, December 24, 1835.

By the Editor of the New Orleans Bee, the following letters were received and thus commented on. "How serious and melancholy! and surely of importance sufficient to cause sober reflection in the minds of our citizens who are not only solicitous for the success of our brethren in Texas, but are equally anxious to preserve faithfully the treaty ties of alliance between Mexico and the United States, and maintaining the integrity of our commerce and political relations.

"The despatch of the Mexican minister for foreign affairs to Washington, is an able and guarded document; and well worthy the attention of the executive government. The President in his message has stated that he had in part acted on the first suggestions recommended by the Mexicans; when he asserts that he gave orders on the subject to the United States district attorneys; and we believe he might with the utmost safety act on the second in liberating Thompson and his crew as the prisoner has had a trial, and his jury could not agree on a verdict. Even this circumstance should inspirit to mercy if not to justice; for according to the law of nations, Thompson should not have been tried in any of our courts, for what he did as a Mexican citizen, in the Mexican seas, and under commission of the Mexican government. Thompson may doubtless have exceeded his authority; but the despatch points out the legitimate means of redress.

"On the subject of the death by order of a court martial of twenty-eight of our citizens at Tampico on the 14th instant, the minds of our citizens will be divided in opinion—some probably looking on it as but authorized butchery deserving vengeance, while others more cautious and experienced may think it lamentable, but also justifiable by necessity and the laws of nations. The invaders of a friendly country cannot be viewed as prisoners of war by right or courtesy, whether they have voluntarily or involuntarily taken arms against that country—the fact of having been found in arms against the peace and authority of the nation is a sufficient charge for condemnation, and justification for any mode of death conformable to military laws. Those who went out in any of the expeditions from this place must have known the consequences. They went out in their individual capacity as citizens, and the United States government is not responsible for their conduct; they have suffered in that capacity, and our government is not bound to take cognizance of their fate. Those who go to Texas should be prepared for victory or death; and certainly those who foolishly made an attempt upon Tampico, dared the vengeance of the Mexican authority and laws. Their fate may be lamented by their immediate friends and the friends of humanity: but it is justified by necessity and policy, by right and law—precisely as the fate of any criminal becoming amenable to the penalties of justice for violated law.

"In publishing the address of the unfortunate sufferers before sentence of execution was passed on them, we must not be supposed to endorse their opinions, particularly those relating to Mr. Christy and the Texas committee, who may have acted in perfect good faith; but whose regulations were overruled by the machinations of Mehia and his officers. There is not a more honorable gentleman in his public and private life than Mr. Christy: and he would be the last to deceive any or engage in any scheme of duplicity. Nor do we believe that he really knew of the destination of Mehia: or that this general sought more than to aid the Texians in their own state. Indeed a mystery hung about the whole affair; and the ship did not clear at the custom house till wholly prepared to sail:—yet even most of those on board did not know for what port she had cleared. The Texas committee in this city may have acted foolishly in aiding Mehia to equip the expedition; but they cannot be accused of having acted faithlessly toward any of the emigrants, or of having violated the treaty between Mexico and the United States—of the latter the sufferers' address itself excuses them.

TAMPICO, December 14, 1835.

DEAR SIR:—This morning twenty-eight unfortunate victims of treachery and villany, part of Mehia's expedition, were shot. I hand you enclosed a list of them, with a petition presented to the Military Commandant, by several foreigners and Mexicans drawn up and signed by the prisoners, but alas, it was not in his power to meet their solicitude. The papers enclosed were sent to me by the curate who attended them in their last moments; they requested that they might be printed in New Orleans. The letter from Jonas H. Steward, and the petition to the Commandant were given to me at the prison gate on Sunday morning. I had them translated into Spanish, and presented them myself to the Commandant, and am satisfied that had he the power he would have complied with their last request.

You have here a full view, as will the government and people of the United States have of the hideous crime committed in the port of New Orleans, of God and of honor, under the pretence of populating Texas, a number of distressed and unfortunate beings are entrapped and put on board the schooner Mary Jane, Captain Hall, under the express stipulation and understanding that they are bound for Matagorda and Galvestown in Texas, as the clearance of said vessel at the custom house in New Orleans on the 6th ultimo indicates; it was farther understood that they were to have lands on their arrival there and a free passage; but mark the result. Such as has been the fate of these unfortunate men, was near to have been inflicted on every American in this place—such enterprizes may in New Orleans be termed mercantile speculations; they are worthy of such men as enter into them and I do not envy their feeling.

Extract of a letter of an American gentleman at Tampico, to a respectable house in this city, dated

TAMPICO, December 14, 1835.

I, in common with every respectable foreign merchant in this place, and I may add with every one throughout the country, most heartily deprecate the late attack made upon this port by Mehia and Peraza, supported as they were by troops raised abroad. You must be aware that the war in Texas, peopled as it is, principally by North Americans, naturally predisposes the minds of the uneducated portion of the Mexicans against our citizens resident here, and even against foreigners in general. This feeling is increased by the strongly inflammatory nature of nearly all the proclamations issued at the present moment by the commanding officers to their troops: and there is now a double source of apprehension on account of the late attack upon Tamaulipas, for it is known that the expedition was fitted out from your port, that the men were enlisted there, and that the requisite funds were greater than any one or two of the chief movers of the plan could advance.

Even those in this country who may have instigated this plan of operation have deceived themselves: for most of those upon whom they counted refused to act in concert with foreigners against their own countrymen.

Why is it that the government of the United States does not take decisive measures to prevent the notorious embarkation of men, arms, and money from her ports, and in a vessel which sails confessedly for the purpose of attacking a country at present at peace with her? And more, why after permitting this, and thus compromising her citizens resident here, does it not send out for their protection a sufficient number of citizens? I am aware that New Orleans is the only place in the United States where the operations above mentioned can be carried on effectively; that place will be the heaviest loser should American property in this country be placed in jeopardy. All sensible merchants in Mexico wish for peace under whatever form of government the nation may think fit to adopt and it is really vexing to think that our security and that of our property should be compromised at home.

We, the undersigned prisoners of war, condemned to be shot on Monday next the 14th instant, at 7, A. M., by a military court martial, conformable to the established customs of the country, and composed of officers of the Mexican army, the sentence being read and interpreted to us on Saturday, at 4, P. M., by Captain Alexander Faulac of said army, as our last dying words, do declare ourselves innocent of the charge of either participating or colleagueing with any person or party, having for its object the revolutionizing or destroying in any manner the tranquillity of the government of Mexico, and that the testimony given before the honorable court of enquiry will corroborate the declaration; the facts and circumstances being briefly as follows:—

That about one hundred and thirty men, composed of Americans, French, and Germans, two-thirds of which being of the first named class (including three who are natives of foreign nations but naturalized) embarked on the 6th November last, on board the American schooner, Mary Jane, Captain Hall, said to have been chartered or employed by a committee of which Mr. William Christy, of New Orleans, was the agent, to convey emigrants to Texas, then understood to be at variance with the Mexican government. This opportunity afforded many in pecuniary circumstances a passage free, which was readily embraced and accepted of. The terms agreed upon were, that it was optional whether the party took up arms in defence of Texas or not; that they were at full liberty to act as they pleased when landed on the Texian shore. That taking advantage of this favorable opportunity they accordingly embarked—the vessel proceeded on the voyage, and nothing transpired to indicate a belief that all was not right as it should be, until the 6th day we understood that a general, with his officers or staff, was on board the vessels, whose design was to act in concert with the Texians, and induce us to join him.

Of this however we received no certain assent, but the truth is—Tampico was our destination, and an attack on the city, the design, which is now evident, and not before—the land being in sight, and the vessel standing in, it was announced that it was Tampico; that the steamboat then also in sight would have us in tow, and Tampico would be in our possession. Elated with this harangue proceeding from the authority (through the instrumentality of Captain Hawkins, one of the aids) of General Mehia, some were induced to join his standard, but of these the number could not have exceeded fifty, thirty-five of whom were French and Creoles of New Orleans, who doubtless had a previous understanding, they being exclusively privileged, having the quarter deck to themselves, and seemingly armed and equipped prematurely. The boat had us in tow soon, and all that could be crammed below were driven there until she struck the bar, and the steamboat soon after. In this awful predicament night closing on us, the sea breaking over us, efforts were made to reach the shore, which at imminent danger was effected safely, and we were all landed during the latter part of the night and early part of the morning of the following day. A formidable fort surrendered without an attack, and we built fires to dry our clothing.

The party were now tendered arms and ammunition, and never having been soldiers before, some probably took them from curiosity, others from necessity and others from compulsion; and it is asserted and believed that no one person was or had been acquainted with two others of the number of us, so added to the hurry and the bustle of the officers, that before we could have an understanding we were mingled and bundled together more like a hoard or drove of swine than a company of soldiers competent to act as such, particularly against regular trained soldiery. At about 5, P. M., on Sunday, we were formed and made ready for the attack, having added to our number from thirty-five to fifty citizens, soldiers or adherents, and which were all judged to be Mexicans, a number being fellow prisoners with us, but without trial to this moment.

Having no other resource we were necessarily compelled from obvious reasons to join the party, with a full determination not to act in concert with it, but to submit ourselves as prisoners of war, having no design or intention to fight, and without one single exception every individual of the undersigned, from motives of conscience and oppression, added to the shameful abduction and deception practised on us, chose to threw ourselves on the clemency and mercy of the authorities. And this being the substance of our testimony before the court, yet notwithstanding, mark the result which has terminated, not in an ignominious but christian like death. Trusting in God, and bearing in mind his promise and with our trust in his mercies, we die both as christians and men.

We have now but nine hours allotted to us, and conclude by hastily requesting all who may hear of our fate not to entertain an erroneous impression.

List of persons under sentence of death by order of a military tribunal, held at Tampico, to be shot on Monday, December 14th, 1835:

Arthur N. Clement, native of Pennsylvania, aged 30 years —no parents;
Thomas Whitaker, do. do. do. 30—father in Pennsylvania;
William C. Barclay, native of New York, aged 20—parents in New York;
Jacob Morrison, do. do. do. 21—parents in Kentucky;
Edward Mount, do. do. do. 23—mother in state of New York;
Charles Gross, native of Pennsylvania, aged 23—mother in Pennsylvania;
Isaac F. Leeds, do. New Jersey, do. 30—no parents;
Mordecai Gist, do. Maryland, do. 53—father in Maryland. His own last residence in Indiana;
David Long, native of Ohio, aged 25—mother in Ohio;
William H. Mackay, native of Virginia, aged 20—mother in Virginia;

Jonas K. Stuart, native of Vermont, aged 33—mother in Vermont;
Daniel Holt, do. Canada, do. 18—parents in Canada;
James Cramp, do. England, do. 22—parents in Oswego, New York;
Lewis Jacobs, do. do. do. 21—mother in Lower Canada;
Thomas H. Rogers, do. Ireland, do. 23—parents in Ireland;
Daniel Donelly, do. do. do. 20—parents in St. Johns, New Brunswick;
James Farrell, do. do. do. 22—father in Green county, New York;
John M. Ives, do. England, do. 35—no parents; (two brothers in New Orleans;)
Augusto San S. Sear, do. France, do. 22—parents in France;
Augusto Demoussent, do. do. do. 25—parents in France;
Frederick Delby, do. Dantzic, do. 24—parents in Dantzic;
Frederick William Mauer, Germany, do. 22—parents in Saxony;
Henry Wagner, native of do. do. 24—no parents. Last residence, Philadelphia;
John Ibish, do. Germany, do. 24—no parents;
Andreas Hehn, do. do. do. 50—no parents;
George J. Selin, do. do. do. 27—father in Germany;
William H. Morris, do. New Providence, do. 28—no parents;
L. M. Bellepont, do. Hanover, do. 26—no parents.

Three Prisoners died in the Hospital, viz:

—— Fleming, native of Pittsburgh, Pa., aged about 25;
Harris Blood, do. England, aged 40;
James McCormick, do. Kentucky, aged 30.

The following is a letter from one of the prisoners to his friend in this city:

TAMPICO, December 13, 1835.
9 o'clock, P. M.

DEAR FRIEND—I will in as few words as possible give you intelligence of my fate, which is an untimely one. To-morrow morning before sunrise, together with 27 of my companions, we are to be *shot* according to orders given to us by a court martial of Mexican soldiers or officers, for an attack on this city on the 15th of November last. I for my part am perfectly reconciled to my fate.

There is no use in giving the particulars of the battle; I am pretty sure you must have heard it before; I at the time of the engagement, received a wound in the head with a ball, and another through the right hand. I have been in the hospital until this afternoon from the morning of the battle. No money can save us—even five thousand dollars was offered for any individual—there was likewise offered one hundred thousand dollars as a ransom for all, which was refused. The reason is, they want to deter others from embracing the cause of liberty. This is a regular massacre. We should have been treated as prisoners of war. I hope the American nation will revenge our deaths. I have but a few hours more to live; so God bless you all! Farewell forever.

JAMES FARRELL.

To Mr. Garretson, New Orleans.

P. S.—Write to my relations. You are the only one I have written to. I can say no more.

Extract of letters received from a respectable gentleman in San Luis Potosi under date of 24th November, 1835.

Great excitement prevails here in consequence of the invasion of Tampico, and 'Anglo Americanos,' is in the mouth of every one. We know none of the particulars as yet, and wait the mail to-morrow with some anxiety.

I have at this moment heard that the invaders still have possession of the fort at the bar, and are waiting aid from outside.

NOVEMBER 27.

I hope the invaders will soon be driven off, it makes a great noise here, and as no extra mail has arrived since last mail, we suppose nothing favorable has taken place.

DECEMBER 1.

The night news of the repulse of the enemy at Tampico arrived: the cry through the streets of *Viva Santa Anna y mueron los estrangeros*, was rather grating upon the ear.

PROBABLE RESULT.

On a review of the whole matter, one who is neither prophet nor the son of a prophet, may venture to predict, that *one* out of three things, must as a natural consequence, take place from this Texian war. The *first*, which is the most probable, and by far would be the most desirable, is, that the Liberals or State Right party of Mexico, will overturn the present Government, and establish the Federal Constitution in its purity of 1824. In that case Santa Anna would neither have time nor opportunity to superintend the affairs of Texas in person: therefore, would their struggle be attended with less trouble and far less bloodshed; for he is a 'Jackson' of a fellow, and that speaks volumes to an American.

The *second*, which may take place, is, in the Mexican people of every grade laying aside *all* other political considerations for the time being, as matters of less moment, until the Texian Americans *are* subdued; not as citizens struggling for their constitutional rights, but as foreigners, who have by their perverse conduct, forfeited every claim to protection from the civil law; and therefore must either come under military control, or *altogether* be expelled from the Republic. In the case of a military power and a Territorial jurisdiction, Texas will once more fall back to its wilderness state: and in the matter of expulsion, *ten* innocent persons would suffer for *one* that was guilty!

The *third*, which might happen, and the most to be deprecated, is in the Government of the United States getting themselves involved, by the supporters of, and the inhabitants of Texas, in their controversy with the Government of Mexico; so that the result would be, a *general war between the two Republics!* In such a case of conflicting matter, the event would be deplorable indeed—on the one hand a powerful Government of both men and means—and on the other hand, a Government not only supported by its wealthy Land holders and rich priesthood, united together at this time, by both bigotry and zeal in their great national cause; but by English intrigue backed by English money—gained through the influence of England's exclusive privileges.

Leaving these things in the hands of an overruling Providence, we shall conclude our considerations on the inhabitants of Texas, by allowing to them, their political union, and natural strength to the fullest extent. Therefore, say, out of 35,000 Americans, there will be 7,000 men of war; and from the 5,000 Spaniards among them, 1,000 fighting men; with, say, of friendly Indians, 2,000 warriors; making in all 10,000 *effective men!* But to sustain this amount of disposable force at *all* times, there *must* be 5,000 volunteers continually under arms! For there will be deficiencies, by death and other casual disabilities; by the insecurity and unsteadiness of the Indian calculation; by the want of energy and will among the Texian Spaniards; by the family alarms and scattered situations of the Americans; by the necessity of attending to agricultural pursuits and stock raising; and by superintending and controlling the some 2,000 disaffected negroes among them! *Honi soit qui mal y pense.*

BOOK IX.

CONCLUDING REFLECTIONS.

HAVING, in the preceding sections of this work, made an impartial although feeble attempt to answer for, and delineate those matters and things, just as they *are*—just as they have been—and just as they will, or may be, in the Territory that was—Province that is—and State that *will* be of Texas; I shall therefore conclude as briefly as possible these reflections, which naturally arise from what has been discussed, and from what I and others have felt, when *all* the attention and vigor of the settlers appeared to be—*as it ought to be*, directed to their own individual and private concerns: and what the reader will yet, by the blessing of God, find them and their country *to be* when the collector of these sketches and the calamities which occasioned them, will only serve to 'adorn a tale or point a moral.'

EMIGRATION.

Though dear experience has taught that a man must drink of a mixed cup, no matter where he may be located, yet as he has the power of locomotion, and reason given to him by his Maker, and the full exercise of them allowed him by his peers, he is in that case (more particularly after he has left the home of his fathers) to blame, if he does not finally fix himself in that country and society, wherein he meets with the greatest probability of ending his days in comparative ease and comfort; as a very short time, if he is a man of urbanity, (especially in a new country) will make him as agreeably situated among strangers, and as much at home with them, as ever he was with his native friends: Athough at the same time it would be far better if many, *very many* of those who have left their homes and the land of their birth, had *never* started.

"Believe me, young men, (the old need no monitor) for I have been in not a few countries, and do *know* that Nature has so ordered it, that none shall enjoy life in all its bearings, so well as those who end it where it first began. Solomon has said—and his sayings never *can* become obsolete, 'As a bird that wandereth from its nest, so is a man that wandereth from his place:' and there is an old saying, whose truth becomes as self-evident, 'on a rolling stone grows no moss'—'however much dirt it may contract,' say I. But as there is no rule without an exception, there can be no evil without its corresponding good; and necessity at times, as well as in cases, has no law!

In fulfilment of one or other of those truths, have many families, and even individuals, sat down in Texas; and for such reasons, are many still looking forward to it, (with this proviso, *peace*,) besides those who are impressed with a far different motive from either of the above mentioned; but who will not long have the same chance as heretofore of receiving land; as it must shortly be disposed of, by reason of the past influx of persevering and in many instances substantial yeomanry, who poured into it day by day, without regard to those lets which kept back so many, of those who are equally good, but who are more timorous in venturing into *such a vortex* of political agitation as has for years reigned in that otherwise delightful country.

Such as have reflected thus, will be no losers in the end, even if they should not go to it for some time to come; as they will, when all things are taken into consideration, be as much benefited as ever the first settlers were, or ever *will be*; for two reasons out of three which might be produced. First then, the holders of government deeds must, before their land is of much value to themselves, dispose of a part, and that a considerable part too, before the country can be so filled up as to make the balance retained in their hands of much consequence. Secondly, by its filling up with the hardy and the fearless, there will be the more security for the timid and the weak, against the scalping knife and the tomahawk of the remorseless savage; security, life's security being the charm which enhances the value of property, in all frontier countries. Therefore, according to a man's feelings of security, will be his independency; leaving it for those who are behind him in worldly advantages, to sell at a lower price to those new comers, who are not able to pay for the rich or secure lands, and have been too late to receive any from the agents of government. But when the intending purchaser learns that there is a large scope of country, which will forever be vacant between the lines of locations, besides the sandy post-oak and muskit ridges, which divide the large water courses from one another, and on which water courses with their branches the farmers generally settle under the shade of live-oak, walnut, and pecan groves, so as to have the water and timbered bottoms in the rear, with the prairie and sea breezes if possible in the front; he will at once see that his live-stock has an equal chance, even if he should only have one hundred acres of arable land, with the stock of those who possess thousands—a sufficient fence only creating exclusive right to pasturage. While at the same time he runs not the same risk, nor ever experiences the excruciating feelings of the first settler; who in order to get in some measure rid of them, had to dispose of that very land, on very reasonable terms too, which was finally paid for with the inestimable blood of some of his relations—nay perhaps with the life of an affectionate *partner*, or a beloved child!

Further, he may purchase a part of that property, now descended to the child by the death of a once loving father, whose life was sacrificed in defence of his possessions, in order as far as paternal affection could accomplish it, to secure to his children a future independency; as that parent well knew, to say the least of it, that it was not only a good farming country, but a never failing pasture one; and that out of all the methods, ever taken by man, whereby he might gain his support, there are none that excel the good old patriarchal way, of flocks and herds; which comes the nearest to nature of any, and of course the nearest to happiness—the end we all aim at, from the philosopher to the clown, however unreasonable the means may be, which we adopt in pursuit of it.

In following nature's rule by the guidance of reason's law, we are led to admire that order of Providence, which has given to the minds of men such plasticity, as enables them to bend by degrees to their circumstances, however irksome at first they may both feel and appear; and has also provided a something to please, and a happiness attainable, in every virtuous condition wherein a man *can* be placed or occupied. Therefore no place is long enjoyed, until it appears to the possessor as among the first and to him the best; particularly if it is in accordance with that feeling which reigns in the breast of almost every human being, for something akin to the country of his youth, and the scenes of his childhood, leading him instinctively as it were, after he has left the home of his nativity, *per fas et nefas*, to give it the preference. Therefore, do the Emigrants from the lower sections of the United States, and elsewhere, prefer the level parts of Texas; and those from the highlands, the rolling or mountainous parts: while at the same time each division has its peculiar benefits and its serious evils.

Accordingly I never saw a selection without its particular beauties and defects. If rich land, it was deficient in timber, with perhaps but little water on it; or if well watered, it was deficient in arable land, with perhaps but little timber: or if well watered, well timbered, and superior land, it was deficient in *elevation*, with perhaps but little pasture. Or if good pasture, it was deficient in every thing else, and perhaps but little of it tillable; or if tillable, it was deficient in situation, and perhaps but little richness in it: or if superior pasture, pleasantly situated, and rich, it was *too rolling* and *dry*, to be of much service to the agriculturist. Having met with such a variety of locations, and each in some degree different from the other, the reader may well suppose, that the settlers, as to natural benefits, are very much on an equality. They are so; but in their own estimation they are not.

For I never met with a house holder, who did not appear to prefer his own situation to that of any other; perhaps as much so, by the singular disposition of his own mind, as from any intrinsic value in [illegible] difference; pleasing himself with his condition by the force of his own argumentative comparison: for if he had a few difficulties in his present position, yet he considered his neighbor to have as many, and perhaps more; and that he himself possessed as many advantages, if not more than he did.

And these considerations, whether always tenable or not, encourage him to continue and persevere, in order that he and his may, in time to come, reap a threefold benefit for all their past sufferings and present difficulties; firmly believing that a persevering increase of civilized society, with those improvements which must follow a patient and steady industry, will either mitigate and soften, or finally subdue every asperity, so as in a great measure in a coming, and it may be no very distant day, to make the country in *all* its bearings and tendencies, an epitome of Canaan's *once* happy land! *Ergo esto perpetua!* Even as the beauty and attraction of their country's scenery, which is as indescribable by the visitor, as it is incomprehensible to the stranger.

Who can look on the rich and ever varying display—who can live in the midst of one vast flower garden, and inhale with every breath the mingled perfumes of a richly stocked field of gay and luxuriant flowers, without receiving an enjoyment no less pure and refined, than difficult to express; feelings unique and original; dreams of youthful visions realized? where often, 'as in Eden, man feels alone with the God of nature,' and seems in a peculiar manner to enjoy the rich bounties of heaven, in common with all created things: the profound stillness, the genial sun and soft air—*all are impressive*, and are calculated, both to delight the imagination, and to fill the heart with religious emotions!

A traveler must be familiar indeed with the uninhabited parts of a Texas country, where no tokens of neglect are to be seen, no signs of nature's rudeness and roughness to be looked for in a wilderness, if he believes not that the industrious hand of man had passed on before him, removing fallen trunks and branches from the neat borders of the woods, and had checked the growth of weeds and bushes, which are so forward to rise and deform a lonely lawn; thereby making it, even after repeated experience, still more difficult to believe, that the peace which reigns around him is the tranquility of desertion, and that the general stillness is the silence of death. The universal quiet seems ever ready to be interrupted, by the distant low of cattle, the whetting of the scythe, or the bell of a village church; each of which is in accordance with the scene, especially the last; for the calmness of all things is well calculated to remind one of the Sabbath, and if he has formerly been a church going man, to bring him *In foro conscientiæ!*

He is thus startled, and that too perhaps in the midst of one of those singular patches so often to be found, overspread by mimosas, which, as his horse passes through them, draw up their leaves and drop their branches, whenever they are brushed by his feet, thus making a withered trace on the surface, which is but gradually obliterated, as these timid plants regain their courage, raise their stems again and expand their withered leaves. These plants whose sensitiveness had thus been overcome, were rendered distinguishable from others to his eye and to his thought, by the exposure they made of the lower side of their leaves when they folded them up, that side being of a much lighter hue than the upper; and, phenomenon like, thus shrinking in advance before he has quite reached them,—but, on natural principles, by the shock they receive through the long horizontal roots which connect them together.

Let us view this traveler as a stranger, just emerged from his lonely and secluded situation, into the presence of a Texian society, (previous to the year 1832, and *ever after*, when free from a state of political war!) where he meets with an intelligent and communicative friend, from whom he wishes to be informed more particularly, as to the nature and state of that society. He will then learn that it is composed out of many incongruities; and that it will take some time for people gathered from the north and from the south, from the east and from the west, to assimilate, and adapt themselves to new situations; or be entirely freed from the suspicion of a stranger's motives, who pretends to settle among them; having been so accustomed to the appearance of fugitives from justice, that the inquiry is often made, 'what did he do that made him leave home?' or 'what have you come to Texas for?'

Notwithstanding this state of things, the good of the public and of each individual inhabitant of the province is so evidently dependent on the public morals, that all appear ready to discountenance and punish crimes; whether by assisting the demands of justice, emanating from the lawful authorities of another country; or of supporting it in their own. Even men who have been expatriated by fear of justice, are here among the *last* who would be disposed to shield a culprit, proved guilty of a wilful crime against life or property. I can say more; for if I may judge from repeated evidences of general honesty and every day confidence between man and man in their private concerns of life, I should think money as safe without lock and key as in any other country; and I am confident, that if stores were left in some parts of the United States without a watch, and exposed as many are in Texas, they would be robbed one of the first nights.

There are no poor people here, if land makes rich; and none rich, if money is wealth. The poor and the rich, to use the correlatives where distinction there is none, get the same quantity of land on arrival; and if they do not continue equal, it is for want of good management on the one part, or superior industry and sagacity on the other. By the land which they receive, all can be busy and happy. None need meddle with the affairs of their neighbors, because they have enough to do in taking care of their own. The common concerns of life are sufficiently exciting to keep the spirits buoyant, and prevent every thing like ennui: therefore, artificial wants are entirely forgotten, in the view of real ones; and self, eternal self, does not fill up the round of existence — even privations become pleasures. People grow ingenious in overcoming difficulties. Many latent faculties are developed: they discover in themselves powers they did not suspect themselves of possessing. Equally surprised and delighted at the discovery, they apply to their labors with all that energy and spirit which new hope and conscious strength inspire *pro re nata.* Industrious farmers certainly do well in Texas and cannot fail of success, if abundant crops and a ready market with high prices will satisfy them. Substantial planters, with capital and lands, may enlarge their operations to any extent, and with enormous profits.

INDUCEMENTS TO EMIGRANTS.

Among the inducements to emigration presented by this interesting country, the facility and cheapness of access to it, are by no means inconsiderable; as for instance, a passage from New York to Galveston may be effected as soon, as cheaply, and as pleasantly, as to New Orleans; and vessels of *any* size that can reach the one place, may have access to the other. But Galveston, as a harbor, is much superior to New Orleans. The depth of water on the respective bars is about equal; but Galveston has an immense advantage in lying directly on the Gulf, and not requiring the costly aid of steam tow-boats, to conduct shipping to its destined haven. Again, the situation of Galveston for foreign commerce, is very felicitous. The Gulf of Mexico is spread out before it; Cuba is near at hand; and *all* the islands of the West Indies are within a few days sail; as also the entire coast of Central America, of Venezuela, and of Colombia. Further, the current of the Gulf-stream, the great River of the Ocean, is at hand, for every port of the country; always ready to sweep her vessels, with accelerated rapidity, to the Eastern Atlantic: the ports of Matamoros, Tampico, Alverado, Vera Cruz, and Campeachy, all within the Government of Mexico, to be supposed always open and free to the commerce of her own subjects; affording a rich and extensive market for the lumber, provisions, and to some extent, for the cotton of Texas; while the horses, mules, black-cattle, hogs, and sheep of the country, will always find good markets in the West Indian islands, and in Louisiana.

Now though all these considerations are good, great, and glorious for Texas; and though population she wants, sober, industrious, virtuous, *republican* population; with this she will compete with the choicest section of the globe, in *all that is requisite* to secure the happiness and prosperity of man! Nevertheless, those persons who are established in comfort and competency, with an ordinary portion of domestic happiness; who have never been far from home, and are excessively attached to personal ease; who shrink from hardship and danger; and those who, being accustomed to a regular routine of prescribed employment in a city, know not how to act on emergencies, or adapt themselves to all kinds of circumstances, *had better stay where they are.*

There is no better advice than 'to let well enough alone.' *Ipso facto*, all changes may be for the worse as well as better; and what we are used to, though not so good as might be, may suit us better. Happiness is relative: a high standard for one person, is a low one for another; and what one prizes, another may think worthless. So that even conceding *all* the advantages I have claimed for the province of Texas, it does not follow that the happiness of *all* would be promoted, by emigrating to that country. No, it would depend upon his present circumstances, and upon the spirit of the man.

He whose hopes of rising to independence in life, by honorable exertion, have been blasted by disappointment; whose ambition has been thwarted by untoward circumstances; who longs only for some ample field on which to lay out his strength; who does not hanker after society, nor sigh for the vanished illusions of life; who has a fund of resources within himself, and a heart to trust in God and his own exertions; who is not peculiarly sensitive to petty inconveniences, but can bear privations and make sacrifices of personal comfort; such a person will do well to settle accounts at home, and begin life anew in Texas. He will find there abundant exercise for all his faculties, a new stimulant to his exertions, and a new current for his affections. He may be obliged to labor hard, but riches are a very certain reward of his exertions and cares. He may be generous, without fear of ruin. He will find society in nature, and repose in solitude; health in exertion, and happiness in virtuous occupation; and if he has a just view of ambition, he will glow with generous pride, while he is marking out an untrodden path; acting in an unhackneyed sphere, and founding for himself, and his children after him, a permanent and noble independence.

Therefore he that can, should, or will go, to the province or state of Texas, must know that the rate of exchange operates very favorably to emigration. By taking such paper as passes current with the banks of New Orleans, they will receive from six to eight per cent on it from the merchants there: so much is clear gain, provided they spend it in the country. Money is scarce in Texas; but all that money can purchase, and much that it can *never* buy, is plenty. The poor man of industry should know that he can get along without it, or at least with very little. But those who are so fortunate as to have it, loan it at a very high interest, on real estate security: fifteen, twenty, and even twenty-five per cent is the common rate of interest!

It would be well for the emigrant to sacrifice nothing if possible, (except live stock) which he or his family may possess, provided the transportation thereof exceed not its first value; because all the domestic articles he can take will afterwards be worth more than the same amount of money whatever it may be. For the people of Texas, as yet, (and that *yet* will not soon be over,) have little time for trade, far less for the fine arts; every body being occupied with his domestic arrangements and plans for supplying his immediate wants. It is found easier to raise or manufacture such articles as are needed in a family, rough and clumsy as they may be, or to do without, than to obtain them from abroad, or employ an individual to scour the country in search of such as may be desired. People live too far apart, to beg or borrow often; and few trouble themselves to send any thing to market, though they have ever so much to spare. They had rather give to you of their abundance, if you will send to their doors; and few are allowed to go hungry or empty away, hospitality being one of the finest traits in the Texian character. The towns are but too seldom at hand, to obtain supplies from; while some are too proud, some too lazy, and most too indifferent to trouble themselves about the matter. But if any settler should want an article of first necessity, such as coffee for instance, which is much used, they will send some of their chickens, butter, eggs, &c. to a neighboring family newly arrived, and propose (if they have not been applied to) an exchange, as most new comers take with them some stores.

There is much of this kind of barter, provisions being so much more plenty than money. Let a person be possessed of any good and substantial article, he will have nearly as many offers for it in the produce of the country, as visiters; so that he may, if so disposed, use its real value twice over in provisions. Nobody, however, fares very sumptuously: the new comers have not the articles, and the old residents have grown indifferent to the use of them. Besides, many of them are rich enough, without depending upon the sale of small articles, which they consider pitiful for an income. And there is a peculiar feeling existing among all about game: *no one* will receive money for any thing taken by his gun, but will cheerfully give you as much as you will take; and feel insulted, if you should refuse, or attempt to return the compliment except in kind.

To the encouragement of Texian republican emigration, the enemies of the constitution and laws of that confederation, were never able to have the ascendency long at a time, and are becoming of less consequence every day: so that their principles in the Republic of Mexico will, sooner than the prejudiced mind is willing to allow, become *malum prohibitum.* In proof thereof, the general and state governments, throughout all their changes, have never abrogated one law, which a Texasian had a right to require in continuance, nor disannulled one right or privilege, given at *any* time to an American settler. Inasmuch then, as they went freely and voluntarily to the country, through an invitation of that country's government, promising to *all* who would come on terms specified, certain privileges, which have been given and assuredly confirmed beyond a doubt, as securely as the gift of one mortal *can* be conveyed to another, to be held and enjoyed by them and their posterity throughout *all* generations: those, therefore, who thought proper, and were admitted, to receive the gift of government, *took willingly the oath* of allegiance, to support the constitution and laws of the Mexican federal states, as *free* from violation, as they were *thus* obligated to obey to the utmost of their power their lawful demands. And most assuredly they *ought* to respect that oath! so as to consider themselves bound to protect and uphold the constitution of their *adopted country*, with heart and hand, against all its violators, whether they may be foreign or domestic!

Besides being thus bound by sacred ties, by honor and good faith, they are also bound to have respect to the welfare of their children, so that they may be enabled to enjoy in peace their wide extended domains, by reaping bountifully those benefits which these domains are so well calculated to bring forth; which has been already amply demonstrated and partially described: while at the same time a family's square league of land has not and cannot cost them more (always excepting American impositions,) than the small sum of one hundred and twenty dollars, in ten different payments: to wit, two dollars for drawing and recording their application; one dollar for administering the oath of allegiance; five dollars for a certificate from the Empresario, or from an Ayuntamiento; six dollars for the translating Clerk's services; from fifteen to twenty dollars according to the value of the league, for the Commissioner's signature to the deed; forty-eight dollars for surveying; ten dollars to government at the end of the third year, and at the end of the fifth, ten dollars more; then ten dollars on receiving the final deed at the end of the sixth year; and from first to last eight dollars for government stamps. A quarter of a league costs more in proportion to the receiver, averaging, according to quality and location, from thirty to fifty dollars. The government being well aware of the advantages which, if possible, would be taken of their generosity, and that the design of settling the province with honest and industrious citizens, might be frustrated by unprincipled speculators, published in full the principles whereby the landholder should be governed; as they were determined that no non-resident should be benefited by their deed of gift. Therefore do they bind the receiver of land within six years after his conditional deed, to have certain improvements on that land; and unless he can show these improvements, which are neither numerous nor difficult, he can by *no* means leave the country more than eight months at one time. Nor can he by any means whatsoever dispose of the land to benefit the purchaser, provided he himself, or his lawfully begotten heir is not on the spot to pay over the aforesaid instalments, and at the end of the probationary trial receive the final deed; as no will or conveyance made or devised, before the last deed is given, can withhold the land from reverting back to government, who, in the absence of the donee or his heir, becomes again the lawful owner!

Upon such conditions then, how reprehensible has been the conduct of those men who have taken advantage of such citizens of the northern United States and elsewhere, as were ignorant of the Mexican government's regulations with respect to land, by selling to them their first deeds—yea perhaps, only their certificates from the Empresarios, showing that they thought by the qualifications given in, they were entitled to receive land. Such sellers of such scrip! might upon the *same* principle rob a man of the amount he thus receives!! and he well knows it—besides the expenses of his credulous victim, in pursuit of what by him is supposed a fortune! But, truly and fairly, if he should even get the same land, he must take it out of the government office on his *own* footing, and at his own individual expense; without a single reduction on account of that which he may have previously paid to *any other man* whatsoever.

There is not an actual settler in the province but gives his full assent to this order of things; nor could any honest man be against such a beneficial arrangement, when he takes into consideration the serious dangers the frontier settlers are exposed to by the savage foe; on the contrary rather wishes from his heart the law against non-residents had been still more strict; as many, too many, who have their grants laid on the outskirts of the colonies, have as soon as they received their conditional deeds returned to the sea-board settlements of the province, or perhaps to the United States of the north, until as they say, (but sometimes they have got bit by so doing,) 'the country fills up, which in all probability it will do, before the probationary six years are expired—and the last one of these is time sufficient for making those improvements which are necessary, in order to secure to us our final deed!'

To such a height of late have these sentiments been carried, that had it not been for those young men who settled and afterwards remained on the frontiers, not a family could have stopped, to give such selfish and uncharitable reasoners a hope of their ever succeeding. Wisely then did the legislature make provision for such young men, to receive three-quarters of a league more, in the event of their marrying in the country; and, if they should marry a native Mexican, they would be entitled to receive, over and above a family's complement, one league and a labor; (the labor is 177 English acres.) What a fortune at some future day! when the country shall be purged of the *Acephali!!*

As a confirmation of this fortune, land on the Gulf coast and in those places measurably secure, is selling in farms, (to say nothing about town lots or choice building places,) at from one to five dollars per acre, Spanish measure: so that a young or single man's quarter of land is equal to 6,330 dollars, at the highest price, which will soon be the lowest, and a family league of land to the pretty little sum of 25,325 dollars! And I do assure my reader, that there are many land holders, even as things are, who would not take twice five dollars for their land; truly appreciating its value, by those calculations which have been made and proved in all older settled countries, where the once poor man's children and grand children, have become by his prudence and foresight among the wealthiest of the land.

We must acknowledge, although with regret, that the past commotions and the present difficulties of that country, have been ruinous in the extreme; blasting to its prosperity, and galling to the feelings of the upright and sanguine settler: and we may safely say, that no greater calamity could have befallen them than the intrusion of party politics among them. Nothing has more inevitably retarded the development of the resources of the country, checked emigration, and in every way thwarted the benevolent purposes of heaven, than party injustice, party jealousies, and party intrigue—a word to the wise, *ecce signum!*

But we shall allow them once more freed from their mountains of political trouble, and enjoying themselves in the sunny vales of peace and contentment; will they then be independent? No! Negro slavery is of too much importance, to give that blessing to the people who indulges therein. The existing constitution and laws totally prohibit this worst of evils; but, like every other law made with an eye to the good of that country, it was taken advantage of by the cupidity of the Americans. Should the wise policy of Mexico on that head be abandoned, and Texas become what Louisiana now is, the receptacle of the redundant and jail-delivered slaves of other countries, all its energies would be paralyzed; and whatever oppressions may hereafter arise either from abroad or at home, *must* be endured; for the country would require a prop to lean upon, and from necessity would be *forever* dependent!

LAND IMPOSITIONS.

As I have heretofore shown that the greatest enemy which the simple hearted American Texasian settler has had to contend with, has been American! the reader being acquainted with the political evils produced by this adversary, it becomes me now, as an impartial historian, to lead him into the meaning of the word *imposition*, made use of when speaking of the payments to be made for government lands in Texas. In order to do this satisfactorily, and lead him into a knowledge of those things necessarily connected with the country, and the matter in hand, we must go back (always avoiding information already given,) to the first cause, from whence the effect took its rise, gleaning our intelligence from the joint efforts of our own and other men's experience.

Anterior to the independence of Mexico, in 1821, under the vice regal government, Texas was almost an unknown wilderness. Foreigners of all nations were prohibited under the penalty of an indefinite imprisonment, at the caprice of a petty military despot, from trespassing on its soil: and the few native subjects that had sufficient enterprise to encounter the hazards and privations of a new settlement, were constrained, by their habitual indolence and timidity, to restrict themselves to compact habitations, around the garrisoned or fortified spots. Under these circumstances, the village of San Antonio (Bexar,) La Bahia (Galiod,) Refugio (Espiritu Santo,) and Nacogdoches, were commenced, and small parcels of ground in the vicinity of each were brought into cultivation.

San Antonio had the advantage of not only being the key to the country, but by the lands of its vicinity being irrigatable from the San Antonio river. To facilitate this purpose, a low dam of stone is thrown across the river, which diverts a portion of the water into a small canal leading to the cultivated grounds, which in general are rich. The principal articles cultivated by the Spanish Mexicans are corn, sugar cane, beans, and other vegetables. Vast quantities of this sugar, in the form of small conical loaves, find a market among the American settlers. At some future period the inhabitants of that jurisdiction will have the advantage of supplying all Texas with rice, or at least raising as much of that article as they have a mind to; for with great care and with a trifling expense, more than two hundred thousand acres of land might be irrigated, at and below this place, as the San Antonio seldom or never overflows its banks, nor is exposed to sudden or violent freshets, its source being within nine miles of Bexar, and there is not sufficient space for any dangerous accumulation of water. From its fountains the San Antonio bursts at once into a river, and its crystal waters flow off with a rapid current over a bed of lime stone.

The country at large was left to its primitive condition, and remained so, without an effort on the part of the government to reclaim it further, or at least with any success, until the final subversion of the regal power, and the emancipation of Mexico from the improvident dominion of Spain. Soon after the institution of the present federal government, the settlement of Texas became a favorite point of national policy, and laws of colonization were enacted, expressly to effectuate that object. Under those laws a large portion of the country (in fact all worth notice) has been granted, in districts of various dimensions, to *Empresarios* or founders of colonies for settlement by foreigners.

Moses Austin, a native of Durham, Connecticut, first formed the project of introducing settlers from the United States; and in 1821 was authorized by the Mexican authorities of that time to introduce three hundred families into Texas. In consequence, however, of fatigues and exposures, incurred during his journey through the wilderness from Bexar to the United States, he soon after died, leaving an injunction on his son, Colonel Stephen F. Austin, to prosecute his plans. Accordingly he commenced a settlement on the Brazos river in December, 1821.

Colonel Austin has proved himself, both in point of talents and sound judgment, perfectly qualified for the arduous undertaking he took in hand, by the general confidence of all the intelligent and worthy part of the settlers in his colony; by being the mover, either directly or indirectly, of the whole North American and Irish emigration to the country; by having more power with the Mexican Government than any other Empresario in the province, and by being the only man in Texas who *has* been and is now calculated to save it from destruction!

Sound policy, in unison with what nature has done for Texas, in case of war with their own Government, must ultimately prevail. The Rio Grande del Norte—a river but sparingly supplied with water for its length, few branches on either side, with narrow timbered bottoms, and bordered through most of its course, by lands naturally barren—presents a continuous, dreary, wide chasm, of some hundreds of miles on either side, which affords no inducements to occupancy or cultivation. Thus here has nature seemed to have prescribed a space, almost as distinguishable and difficult to overcome, as a range of cloud-capped mountains, or a broad expanse of fathomless waters.

Admitting this barrier to be passed and its every obstacle surmounted by the enemies of Texas; still extensive prairies after prairies, (divided from one another by deep water courses and timbered bottoms, where the Americans seizing the advantage will be as completely sheltered from danger as the Spaniards will be exposed to it,) have to be encountered before they pierce into the vulnerable part of their opponents' country. Surely then, if the saying is true, 'that five Indians can chase twenty Washinango soldiers,' and 'that five American Texasians can chase twenty Indian warriors,' then they need not dread the whole combined force of Mexico's Zambo population in arms, nor have much fear of the result when brought in contact with the many thousands of their best troops, civilized Indians, and Castilian descendants: provides, always, that they can and do uphold the entire force (which has been so much boasted of,) of *ten* thousand men! Leaving this war to be followed up by a people, where, although one will find every grade of moral turpitude, and every kind of intellectual ascendency among them—from the ignorant and superstitious backwood's man of the northwestern wilds, to the learned and enlightened citizen of the southeastern emporium; yet, through the influence of that milk of republicanism, which all have, from the lowest to the highest, imbibed from the breasts of their patriotic mothers of the North, they cannot be supposed to rest satisfied, until the leading object of their solicitude is obtained. The germ of freedom carefully nursed must have the ascendant, and lead them as it did the first settlers, however they may square their actions to their situations, fully acquainted with the burden and the oppressors who lay it on; whether by the smooth faced optimacy of their own country, or by the alleged powers given and taken by those of another.

The body polity of Texas at the beginning being thus situated, it is reasonable to suppose that there were deceptions practised, which, although often detected, could neither be altered nor amended by a private member of the community; who well knew that he had either to put up with them, or lose that advantage which he expected to receive afterwards, by complying with a present imposition from those who were by Government, or otherwise, for the time being, in that remote corner of the confederation, 'clothed with a little brief authority.' Therefore, had families as well as individuals, settled in the province, to console themselves with the fox's reflection, who was fain to shelter himself from the dogs in the midst of the brambles;—until they could be enabled to contend with effect, through the all-powerful influence of that 'root of all evil, money!' and also, 'that *stamen* of all good, money!' for those rights they were by law entitled to, and out of which they had been choused by their American fellow citizens.

There are but few indeed! who, at present possessing land in Texas which was given to them as a settlement right from Government, can say that they received it upon the precise terms promised them by that Government; although all without exception will declare, that *that* very Government, under all its changes and in all its difficulties, faithfully fulfilled its contracts with the Texas settlers, and at the same time did all that was possible to be done, in order to prevent others from speculating on them. But the law was never made that could not be broken, and that too, often with impunity; especially if the law has been promulgated in an unknown tongue, and its interpretation left at the mercy of the one sided interest: then *Cui bono* stands the verdict?

Empresarios, who received grants from the Mexican Government, were to settle upon these grants so many families in a given time; selecting these families and giving them certificates of Citizenship, according to the laws made and provided; which certificates should be handed over to the Commissioner, when he appeared and was ready to give the people their land deeds. In order that these Government contractors should be remunerated, for the trouble and expense thus incurred by them, they had the right of selecting and setting apart for their own special benefit *five* premium leagues of land for every hundred families thus settled in conformity with the articles of colonization; which admit the four quarters of land given to as many individuals to reckon as one family. Of course it was never expected that they should exact *any* thing on their own private account, from the people, while in the performance of that duty so amply paid for.

Some settlers would give 25 dollars over and above the ordinary charges—some 50 dollars—others through one pretence or another 75 or 100 dollars, in order to get such and such lands, pretended to be kept by promise to such and such men; although the law was explicit in that respect—'of two men equally desirous of possessing the same land, the preference shall be given by the Empresarios to that man on the ground fully qualified to demand his immediate rights under this colonization law.' Others allowed themselves to be gulled so far, without knowing why or wherefore, except it was some Government consideration, to promise by note of hand an extra twelve and one half cent per acre, or 5,56 dollars per league. As soon as the government was made acquainted with such and many other impositions, they issued a circular declaring such conduct unlawful, and the bonds already given but not cancelled, null and void!

Since a court of equity has been established in Texas, those quirks and turns which were taken openly or covertly, in order to trick the intending settler out of his little cash, have in a great measure been done away with; and the same necessity for such conduct in the Government contractors does not now, by the extra demands and prices given for lands, exist. Considering these ambitious enterprising men to be without capital at the commencement of their colonizing exertions, and that they had to live, expensively too, while they were thus employed, before they could be benefited by those lands they received from Government; we are obliged to confess, knowing the general course of fallen humanity, that the wonder lies in their not having done worse than they did, with the same power. And we are obliged to acknowledge, in addition to our confession, that the many who cried out the loudest against the chicanery of their weighty opponents, while they themselves possessed but little power, would, on a reverse of the case, be very apt to do the *same* thing, and perhaps worse with the same chance. Having thus glanced at the *Major domo*, we shall take a peep at his *Locum tenens*, whose charges for surveying the selections were exorbitantly superior to that which the Mexican law demands of the settler. But, inasmuch as the Surveyor was generally in copartnership understanding with the Empresario, it was necessary for a poor man if he wished to be located at all! to appear not only satisfied, but convinced in his judgment, that all things were as they should be, even at the time he and his neighbor were both charged, and had to pay for the dividing line of their surveys, as if it had been an outside one. In many other respects the surveyors had the advantage; such as providing selections, shifting surveys, retarding the field notes of the man whose pockets were light, and facilitating the business of those whose pockets were heavy. In the next compliance of the emigrant, he passed his grand climacteric; for in satisfying the Commissioner he received such a footing in the country, as enabled him once more to stand erect, and appear as a man in the midst of his fellow-men! Commissioner's fees are regulated by the Government, yet there are many discretionary powers which he possesses, at such a distance from the fountain head of justice and equity; and, be assured, he is apt to take advantage of them. As a solitary instance of the simple kind, the compound ones being too intricate, and at present unnecessary to handle, he would take live-stock for his pay, from those who had not the ready money, provided he had them at his *own price!* which was often the case, and 'thank you too!!'

Next came the *Sine qua non*, and for the time being *soi disant Hospidar* in the shape of an *ex professo* expounder and translating Clerk (long to be remembered in those Colonies,) with his fees and perquisites; which, however, galled not the feelings of the worthy settler half so much, no matter how extravagant his pecuniary demands might be, as that haughty arrogance so often displayed by such an insignificant being, (American) as would, and that times without number, not only have the effrontery to dictate—but to disguise, or withhold that question and answer, which was perhaps of the utmost consequence to be perfectly and distinctly understood, between the Mexican Commissioner and the American Emigrant.

Nevertheless, all these grievances put together were nothing to be compared with that property which he received by submitting to them: and, could it be retained in the hands of him or his family, their enjoyments thereon might be great indeed, and undoubtedly the life of their descendants *sans souci*. But there have been ways without number, besides war, to jeopardize the lands of the first settlers in Texas; ways easily understood, by one who takes into consideration the general poverty of the emigrants, the cheapness of the land and the quantity given. One of the most effectual means made use of, has been introduced by the speculating mercantile firms of the United Northern States; who have taken care to supply the wants of the Texasians with such goods as they could not or at least did not, do well without; although these goods were charged to them at an exorbitant price, even for a new country—and lands to be given for them in return, at the lowest value, even for a Texas country!

What an extensive field has been opened, cultivated, and sown with such seed as cannot fail to produce, in the piping times of political peace, a rich harvest indeed for those who are learned in the Law. Well may the Farmer of Texas, who knows the full extent of those unlawful means taken with property in his country, exclaim, 'Let my son be a Lawyer! and if I can give him *nothing else* to depend upon, his fortune is made!' 'As no law hereafter made or devised, can do away with the *just claims* of that law under which the transaction took place,' 'especially when the first parties concerned were fully aware that their conduct was not only contrary to the existing statutes of their country, but to the serious injury of the innocent, and for the time being, helpless complainant.' Upon these principles, and upon their considerations, surely no portion of the western world has ever made or provided more provisions for litigation on account of lands than the country of Texas *has* done and is *still* doing.

But, as John Austin, of Brazoria, said in the year 1830, after the three hundred and forty bales of leaf tobacco, weighing two hundred pounds each, had disappeared, although by *no means* to the benefit of those persons from whom it had been taken, by Fisher, the Revenue officer, at the mouth of the Brazos, and by him deposited for safe keeping in Austin's ware-house, being supposed a man not only disinterested, but by his official situation a strenuous conservator of his country's laws—'Blast Fisher and his complaints too!'—(and sure enough they did blast him, for the Americans so harassed him in his duty, and so maltreated his person, that he was glad in the spring of 1831 to escape with his life!) 'the smuggling Washinangoes must have stolen the tobacco, by entering through the roof of the house, unobserved, in the night'—(although the ware-house stood in the center of the town,) 'I wonder if he thinks the American traders do not come to this country with the intention of making money—by G—d I did!—and I mean to make it too!!'

NATIONAL RELIGION.

The past transactions, and the present conflicting interests supposed by the superficial observer to exist, have led many to think and some to affirm, 'that the Mexican Spaniards and the American Mexicans *never* can amalgamate so as to become *one* people;' crowning their assertions by what they would wish us to consider the key-stone of the argument, '*their national religion*.' Was that religion established since, or was it not fully known to *all* men, long before an American durst set his foot in Texas? Were they, or were they not, admitted to it, with their eyes open to that restriction? Has the Mexican government ever asked, or have the Americans of Texas *ever paid one cent* to the support of a priest, with the exception of marriage fees? Have not the state government of Coahuila and Texas, without a check from the federal government of Mexico, granted freedom of conscience in Texas, although the inhabitants thereof had no right to expect, far less to demand it? Reader, believe me, the settlers of Texas in general have always been willingly prepared for the payment of church dues, and their only astonishment has been their neglect!

We know by what has been done, that there are many good as well as great men among the Mexicans, who see plainly the useful and glorious effects which would result from a freedom of religious rites being allowed by the laws of the confederation; and who will continue to exert their influence to prepare the minds of the illiterate *mass* for the enjoyment of that summit of national perfection. We may therefore rest assured, that as *soon* as the powerful influence of those who are benefited by a continuance of the people's ignorance, is overbalanced by these intellectual acquirements, which are sure to spring up under the march of those scholastic improvements that are making such gigantic strides over the earth in this our day! a freedom of conscience in matters of religion *must*, as the natural consequence of knowledge, take place in every republic!

We may justly consider the Mexican Republic as yet in a state of infancy, with the minds of the mass as yet entangled within the meshes of bigotry and superstition; but whose rulers will, by keeping in their eye the good of their country, so modify and correct the errors of its constitution, according to the powers therein granted, as their people can bear it, until it shall be equal, and in one respect superior, to the constitution of their sister republic of the north.

And although they are a people of another tongue, yet when we know that all places of profit and trust are open to those who are citizens in possession of the Spanish dialect; and that it is one of the most easily learned languages in the world to a foreigner; and that the inhabitants of Texas are as anxious to learn it as the Dutch and French of the United States were to acquire the English after the revolution, in order that they might be qualified for the highest station a *free* man could enjoy: when we consider all this, and view the uniformity of language now in the United States, then think how short a time it is since they were as dissimilar in respect to their dialect and prejudices, as the Mexicans and Americans of the Mexican republic are at this present time; we shall be forced to the conclusion that, sooner than might be expected, prejudice and partiality will be *lost* in the voice of reason, while it exclaims, 'that their own interest and the standing of their adopted country are, and *must* be inseparably one!'

The intellectual acquirements of the soul must hasten them on to become the citizens of a great and glorious republic, amalgamating them into one family; having but one language, and one feeling of brotherly love and unity; actuated by one heart and mind to resist oppression, and deprecate division; knowing that 'United they stand—divided they fall!!' a prey to anarchy, or to the despotism of the *first* political aspirant who has the address to take advantage of their weakness and error.

That ever one Cæsar should be found among them, God forbid! but on the contrary, that there should always be found an overwhelming host, actuated with the principles of a Cincinnatus, a Wallace, and a Washington, who were well assured that the *first* political right of man 'is the inestimable privilege of having a voice in the formation of his own country's laws, and of being afterwards supported and judged by the same;' and the *second*, 'the glorious freedom of transporting himself and his effects, when and where he pleases, upon the enlightened principle of national reciprocity;' which reciprocity, while upheld, goes to justify the *second* law of nature, the equality of man, even as the former supported nature's *first* law, self-preservation!

ABUSE OF RELIGION.

A true historian should be faithful to the trust reposed in him by all who come within the sphere of his observations. And he is unqualified to represent facts to the world, who sets down *aught* in anger or malice, or extenuates aught through fear or favor. If the memoir should prove mephitic to some, the bible itself has had the same effect: but what wise man ever blamed the word of God for it! *Dieu et mon droit*, is every man's motto, and verily no man with impunity can monopolize the device.

Having been careful, under these maxims, to collate and digest heretofore *observanda* on both Mexican and Texican, I shall also finish the narration with *credenda;* and concede to the Texasians, if you please, the full favor and approving proclamation of this world's law: but still, although the law might thus proclaim them, yet the Gospel would be forced to cry out, 'Bad—bad!—superlatively bad!!' For they generally appear in their personal depravity to have forgot, if ever they did know or pretend to believe, that there was either a God, or a devil, except in trying who will call on their names in the most daring and preposterous manner; and who will, in appearance at least, set their conscience and the injunctions of the Redeemer at the greatest defiance; gambling, drunkenness, and blasphemy being the order of the day, in every town and village of the province; leading one to believe that as soon as they had crossed the Sabine line, they considered also that they had passed over the line of spiritual accountability, both as to themselves and their children; the young men believing no one thing of such vast importance as the riding of a wild horse, the shooting of a rifle-gun, and outdoing their fathers in folly and profaneness: and that too, not only when by themselves, (as many a God-fearing man's child does, when he least suspects it;) but in cases without number in the presence of their parents, who appear to be case-hardened with the frequent repetition of such conduct, extenuating their supinenes to the astonished stranger, by saying, 'I can do nothing with my children, as there are so many bad examples set before them by those who ought to know better,' (observe, they themselves are not of that number,) 'that it is a moral impossibility for us to control their freedom of thought!'

O! morality, morality, and thou, freedom of thought,—ambiguous, or rather undefinable terms,—how shall we come at your true meaning? by the dictionary of science? No: for then you will be defined in proportion to the speaker's sensibility. By the dictionary of art? No: for then you will be analyzed in ratio with the parties' knowledge. By the dictionary of nature? No, no: for then you will assume as many diverse hues, as there are unsatisfied passions in society. By what then shall we judge you? By the Gospel? Yes, as far as the rules thereof are admitted, and no farther! Under such considerations, how much morality, undictated to by the laws of the land, shall be in existence in the next generation? Not only may the question be asked in the province of Texas, but in almost every State or Territory in the two Unions.

'It has often been observed in the history of learning, that one of the most fertile sources of error consists in the ambiguity of words.' The observation is unfortunately equally applicable to the history of morality: and they, who have attended to the causes by which the understanding is misled, from the imperfections of language, will not be surprised at the deeper errors into which similar causes may mislead the heart. For the general principles of human conduct, we have general appellations; but for the excess or the defect of these principles, we have no distinct or specific names: and we are all willing to shelter ourselves under the ambiguity of a word, when conscience tells us that we are guilty with regard to what it really means. It is thus that avarice calls itself prudence; and profusion generosity; that presumption assumes the name of ambition, and party spirit that of patriotism; and that, according to the various dispositions of our character, some of the worst and most malignant vices of our nature are sheltered, in our apprehension, under the most sounding appellations of virtue.

Of this kind, there is not, perhaps, one in the wide circle of human weakness, which has been productive of more fatal effects than the name of Freedom of Thought. It is a term which in itself expresses much greatness and exaltation of mind; but it is also one which covers ambiguities that have been fatal to thousands; and under which, have been concealed many of the darkest and most malignant dispositions that have ever debased the character of man. On the other hand, it is the great and majestic principle of all human improvement; the source from which has sprung all that dignifies or adorns the society of men. It is this which, in private life, has ministered in every age to the progress of society, which has created its opulence and extended its comforts, and given to all the arts of life their origin and progression. It is this, in the history of science, which has dispelled the darkness of ignorance and of prejudice; which has gradually extended, with the progress of time, the limits of human knowledge, and raised by degrees the eye of man to the throne 'of Him that inhabiteth eternity.'

Hence arise the distinctions among men, and the exceptions, honorable and praiseworthy exceptions to the general corruption and depravity of human nature: hence, in every country, we can meet the simple hearted christian who relies upon the word of God as it is, and wrests not the scriptures to his own destruction. Hence the good and moral effects which evangelical preaching, preceded by a genuine parental instruction and a charitable christian education, has on the bulk of mankind; seldom or never to be eradicated from the minds of those whose hearts have been once filled and whose souls have been once refreshed by the word of God as it is in Christ the Messiah: so that in the midst of the wilderness, as in the crowded city, among the rude and uncivilized as with the polished and refined, while the law and the testimony remain in their own hands, they can keep up a sense of religion in their houses and a primeval form of worship in their families, especially on the Lord's day.

Even in Texas, that Mexican land of heretics, too often termed the American land of refugees, may be found some families and not a few individuals of the above stamp, but many more of those persons whose minds have been soured to bitterness, and whose hearts have been wounded to death by these theological controversies, carried on through the cupidity of the priesthood to the prejudice of godliness in this our day; creating events no less deplorable in their nature than they are eternal in their effects. He who has doubts—he who would have proofs strong as holy writ, let him reside west of the Mississippi, and particularly west of the Sabine, and soon shall he be satisfied; yea, soon shall he become the experienced judge. It matters not, into what sect or denomination of christians his name may be enrolled, so he is in himself a Gospel morality man, he will soon be forced to take shelter under the only effectual argument that can be made use of against the repeated attacks of those who have taken their criterion of Christianity from the conduct of professors, and not from that of the possessors: 'Never mind those you cannot mend,' 'but study well your own latter end.' Has there not been, and is there not still a cause sufficient for such a state of things? yes indeed! for when men's actions belie their professions, should they not be suspected? and as the reality of their duplicity becomes manifest, will they not lose confidence? yea, most assuredly! until mankind too often falls into the opposite extreme, treating the very truth itself with a sceptical incredulity; the more especially when it is garbled and dealt out to them by such improper vehicles as are too often sent forth in this momentous period of sectarian struggle for physical power and temporal emolument—'The work of the Lord' being their watch word, but 'worldly ease' their rallying point! Can it be a wonder that a church of hypocrites is the result, bringing many a conscientious man who would make a good member thereof, to consider that he makes no great sacrifice in respect to religious privileges, when he becomes a citizen of such a country as Texas. 'For,' says he, 'give but one party the power of the civil law in your boasted land of religious toleration—I care not what sect you may name, nor how in their present powerless condition they may deny the assertion—I have the testimony of the world in all ages to bear me out, that the persecuted invariably became the persecutors as fast as the balance of power preponderated in their favor: and I do assert, that religion was never in a lower ebb than it is now! if not altogether so in its lay members, yet what is of more consequence to vital christianity—in the majority of its clerical ones.'

'I say,' continues this moral and conscientious man of Texas, 'only give them the power of fire and faggot, and you will see (provided that you suffered not among the first victims,) every hill and dale of the northern United States shine by the blaze of human sacrifices, immolated at the shrine of bigoted zeal and priestly aggrandizement! In confirmation thereof, examine the principles which actuate the main body of Methodist Episcopal Clergy, in their government of that church. I point them out in particular, because they have adopted a method peculiar to themselves; so as to have the ascendency, not only in the number of their members, but in the wealth of their fraternity, above that of any other religious community in the United States, or in North America, with the exception of the Catholics, in this period of uncommonly conspicuous exertions made in the name of the Gospel!'

'I say, examine, and you will see, if you are not a careless watchman, how slily they will ingratiate and afterwards keep themselves in the good graces of those persons who can or will let them have the greatest share of this world's substance; and how completely they will shield one another against the accusations of a lay member: more especially if he should be poor as to the goods of this world, his claim as to the next can have no weight. Provided an opening can be found in the laws of the land, the laws of the church are in their own power, and can be made at any time to suit their particular case!'——Proofs! Proofs! I want proofs in some tangible shape, before I can believe such broad assertions, my good people! I exclaimed, to a company who had met for religious exercises, on a Sabbath morning in the province of Texas. 'Good!' they replied. 'And as we have all resided east of the Sabine and west of the Mississippi before we came here, we shall only state a few examples taken from between these two rivers, as you may think them all sufficient to establish our belief; not against the christian doctrine (which you may perceive by our meeting this day,) as it is in Christ Jesus—God forbid! For we believe that not a few, but many out of *every* name given among men, shall be saved in the day of the Lord! and that the question shall not be asked,' 'To what creed or profession did you belong?' but on the contrary, 'What life and holiness did you possess?'

'Therefore, against the generality of the *leading* Theologians of the present day only, we beg leave to dissent; if not altogether on their public doctrines, at least in their private application of them: for like the Pharisees of old, they do 'lay grievous burdens on other men's shoulders, which they will not so much as touch with one of their fingers'—it being the chief axiom of their creed to support one another with this proviso, that the action committed if improper, and at the same time detected, has been done so dexterously, as can be shifted from them, and placed upon the score of persecution.'

'And if the enlightened part of mankind should still think otherwise, so much the better: 'Through much tribulation,' they'll whisper to the credulous few, 'lies the pathway to heaven;' and to their brethren of the altar, in their communications *sub silentio*, 'if we cannot hoodwink all with whom we come in contact, in our acts of worldly chicanery, we can at any rate deaden the reports of the obstreperous by pulpit declamation, and by laboring at a distance from the place where we were so unfortunate as to be thus partially detected.'

'But nevertheless,' they continue, 'let us be of good courage; such mishaps can be borne with for two particular reasons, out of many which are producible. *Firstly*, we have the present advantage of any pecuniary benefit we can obtain from our worldly speculations. *Secondly*, we can scarcely fail, if we are but clever in our profession, in having our names at last recorded, and our supposed virtues handed down to posterity, by some one of our simple but sincere followers sending them, well puffed up, to that spiritual vehicle the 'Christian Advocate,' or some other 'cate: and when we consider that they can put not only the words, but the very actions of an aged and genuinely matured christian, into the past life and mouth of a three year old child! what may we expect, who have labored and persuaded so ardently, and to so much effect, in the cause of subscriptions and missionary societies?'

'True the unconverted say, 'ye encompass sea and land to make one proselyte; and lo, ye make him ten-fold more the child of perdition than before.' 'But never mind; let them laugh that lose—he that gains will laugh! For, have we not the history of the church from the beginning to bear us out in asserting, that the Priesthood *must* be supported under the designation of one name or another, while mankind believe either in a hell or a devil!'

'Now we all know by experience, how useful it is for us to have a devil at our elbow, ever ready to bear those crimes laid to our charge, (which we cannot conveniently father ourselves,) upon his shoulders from without the pale of *our camp* into the wilderness of this world, never more to be remembered by our followers. For what says the Apostle? 'When I would do good, evil is with me, and it is no more I that do it, but sin that is in me:' a plain indication indeed! and that which a shepherd should never lose sight of, whenever he gets into difficulties with his flock.'

'With exhortations such as these, sir, did that indefatigable Elder of the western church, W. Stevenson, comfort his minor brethren, when they had been, times without number, astonished at the dexterity with which he could extricate himself from those accusations laid to his charge by the people not only of this world, but by those who had come out of it, as far as being a member of the Methodist connection could be called a separation. But they were soon given to know that Joseph Butler, (a member who wished the privilege of proving, by two unimpeachable witnesses, this same main pillar of their society 'a *liar* and a *deceiver*,')—might withdraw his name from the Class book, as it was all the satisfaction he should be indulged with. Although he was an old revolutionary patriot of merit, and a much respected citizen of the country, as well as a correct member of the church, yet he should be taught to know who was his equal—and forsooth to learn, that the foot was made to support the head, but not to kick against it!'

'And at the same time another member, D. B. Ed***d, should know and feel, that although he had spent a considerable property in accommodating them with a comfortable meeting house, yet he should not only lose that much, contrary to pledged faith, but more also, by having the audacity to repel the machinations of some of his obstreperous pupils, headed by the children of this very ruling elder,—who were the ringleaders of a conspiracy, which had for its object the tarnishing of his good name. But, inasmuch as the said E. had in his favor the free and independent minds of the community, who were determined to support him against the united efforts of a priestly oligarchy, whose long standing maxim had been sufficiently proved, at least in that section of the country, to be, 'That none shall stay in their peculiar district, but those who would in all things be governed implicitly by their dictates.'

'Nay even the preachers themselves, under this fox! as he was emphatically termed by his clerical opponent, William V. Duglas, after he had suffered a severe reprimand from him, for preaching at a camp meeting on the west side of Red river, 'against such shouting and howling as marred the very meaning and intent of oral instruction,'—should have their mouths stopped, unless they were not only advocates for this infallible sign of both conviction and conversion—but in all things, and at all times, submissive to the instructions and commandments of their ecclesiastical head!'

'For,' said he, 'you all know how I have labored to uphold you *all* in the sphere of your vocations, and how we have been persecuted and despised by the self-righteous and the ungodly: therefore it is necessary, absolutely necessary, if we should wish to keep our ascendency over the minds of the true believers, to be united in that system and doctrine, which lays the greatest hold on the hearts and heads of the weak and ignorant. By such measures we can always be able to bear down those evil reports which may be circulated against us by the world: and if at any time these things should enter the ears of our lay brethren, we can, as I said before, fix them on the devil, *not in us,* as when we have no other shift—but in those who assert the contrary of our *ipse dixit.*'

'Do you complain, my brethren?—did I complain when squires Robertson and Russel, with their satellites, asserted that I designed to rob the poor laboring stranger of his mare's colt; and when I could not by law prove it from him, that I had it run by one of my own sons out of the country, so that he should never see it more? Think of that, brother Ross, and bear up manfully against the current of public opinion in the case of the waggon. You could safely swear that you never received it; although you bought it at first, and another afterwards got it by your order, who had paid you. Nevertheless, as the parties to whom the order was given and the waggon too, were far hence before payment was demanded, and the end of the law was your oath, they had a right to lose it, who said that you got the article from the first owner!'

'Did I complain,' I say again, 'when M'Early of Natchitoches asserted through the country that I was a vender of forged bank bills? True, it looked suspicious when such a poor man as I had a roll of stamp papers in his hand, and who, notwithstanding, had to take back two ten dollar bills I had passed before, without being able to replace them by cash, or such paper as would be received! But you all know, that it is not every one who is a perfect judge of the difference between a real and a spurious bank bill: how easy then to pass it over, especially in the country, by one who is an adept in the art of glossary.'

'Think then, brother Lard, whether you should be cast down by their saying, 'that you knew of the tallow being mixed in the bees-wax you attempted to sell;' or that in petty instances without number, you show too much meanness in your worldly dealings for a preacher; and that 'you denied payment for the fine linen which strangers buried your son in.' We all know that the dead are easily pleased; therefore, it's only about the living we should be particular: for what says the Apostle? 'He who provides not for his own household, is worse than an infidel.' And who is of our household? Not the dead but the living!

'Furthermore,' let me ask you, 'did I complain when D. B. Ed***d accused me of being the means whereby one hundred and fifty dollars worth of his property was sacrificed for the payment of forty-eight,—by my keeping back his obligation, which I had received from W. V. Duglas, until he had to visit another country, so that I might be revenged for all his former exposures of me and my family? To be sure I gave him too much of a handle against me, by taking such precipitate and of course by so doing unlawful steps with his property: for, if he had returned within the time prescribed by the Louisiana law, he had it in his power to hurt me and those civil officers who assisted me so nobly with the law of *Lex talionis*.

'But I have reason to be thankful the storm is past; although my exertions you know were many, whether just or unjust it matters not, so long as I could not debar him from receiving the orphan's funds granted him as their teacher by law, while as I told him he was enjoying a greater salary otherwise, than the most fortunate of *us*: therefore, it appeared to me, that he should have taught the children of preachers for less, and mine as their ruling elder for nothing! Although it had been a matter foolishly neglected by us in our first agreement with him; still, it must be confessed, we have been amply remunerated by evading the promise to build for him a school house, or rather for ourselves a church; for by so doing we now enjoy the full benefit of his exertions! And no doubt you are also aware, that if I had had at that time only church members to deal with as Trustees, the chap would have been brought to a humbler way of thinking. However, as it was, I have been in his way that much any how; although others who did not so well deserve it, have reaped the substantial benefits of his labor, while I have been, as I may say, put off with the shadow!'

'Consider on these things, brother M'Mahon, when you are traduced by evil minded men, who have the assurance to say—when you are heard crying aloud in the night season, that, although you do assert in class meetings, 'that you are thus exercised with your God, in behalf of such a sinful people as they are,'—you are only mourning over some disappointment in your worldly speculations: as you did in the case of the blind horse, which they aver you sold as soon as you perceived his sight was leaving him. If you did, I must acknowledge, that *three* hundred dollars was no small consideration to one who has been frequently known to play the unfair game for as many cents! And, although your son's thoughtless exclamation afterwards marred the whole consideration, and completelys defeated you in the concern, so that like me in E*****'s case, you had but the shadow for your pains,—yet you may, by that perseverance you are so famed for in other cases without number, have the substance also.

'What do you think of all these things, my brother Jones Westerlund? whose face is as flint and whose forehead as the adamant! carrying you triumphantly through the petty speculations of a petty trade, where common modesty would have shrunk, and decent sensibility stood appalled! *Bravisimo!!* I should not like to make you vain; but of necessity I am constrained into the confession, 'that you are one of the *most* accomplished members of our privileged fraternity,'—a bean of the right kidney, who could so long and so slyly hood-wink the sheep, deceive the goats, and with impunity plunder so many of their orphans! and at last show yourself such a finished tactician peddler, as to sue your creditors, instead of allowing them the satisfaction of suing you; manfully facing them afterwards, not only in the streets, but in their families—and what will scarcely be believed, except by the initiated few, in the pulpit, as it were before God! Not with a blush? No; but with a reprimand, for them who dared to have the unhallowed audacity to speak so freely and so irreverently of their leader in the gospel!

'Is that all? Nay verily, thou art truly a *Chiliahedron!* who richly deserves to be generalissimo over all the guardians of the western sacerdotal pyx. What, art thou the only man who is basking under the shadow of Louisiana's petticoat law? nay forsooth! And there are many even of those who publicly exclaim against your wife's management, in refusing to admit of the two hundred dollars you had received by piece-meal from her negress, as any part of that two thousand dollar payment she had to give for her own and her children's freedom, who would privately wish they had just such a chance—and just such a wife to support it!

'While you stood thus *instar omnium*, both for the Orthodox and the Heterodox, it would have ill become the conclave over which, for the time being, *major domo* O. L. Nash not only presided but governed, to have refused you a circuit, whereon you and your lady, also now called to the regenerating work of an Itinerant, would have a space equal to your united powers, in pouring out the vials of spiritual indignation against the lukewarmness of the backsliding brethren. Lukewarm indeed! in their adherence to their teachers, and in reverencing you! who had fought the good fight, if not of 'faith,' yet of perseverance: for in spite of that weight of accusation, rolled together like a snow-ball which had descended from the top of a mountain, to assist the would-be moral and the pretending godly, you had not only continued a leading member of our hierarchy, but had received more power, (thank your brethren of the clerical robe,) while their very seats tottered under them, who had the hearts to conceive such a mass of impiety, as would extend from thence to the tip of their tongues, against a priest of the Lord!

'Ah! my brethren, how much ought we to be united? How long will it be ere your political sagacity shall overcome your spiritual envy of one another? What do you wish our power to stand? Do you wish the loaves and fishes to abound? Then never, *never*, I entreat you, let such a thing again take place between two preachers, as that which transpired betwixt Westerlund and Tunely, about a few pitiful ears of corn bought on a Sunday morning. Fie upon you, is there no other way to recriminate upon one another, than that way which will redound to your disadvantage among the ignorant and narrow minded lay brethren; especially when that same corn was purchased by Tunely for the benefit of our fellow-laborers' horses! Out upon you—I say, *out upon you!* Who of you can say, 'I am unspotted'—and who of you would like to appear before the uncircumcised in perfect nudity?

'I will try to forget Tunely's conduct in Westerlund's case; and I must forgive, although I cannot forget, Westerlund's provocation—especially from one who had been to the extent of his means, in worldly doings, his equal; as many of the Alexandrians would dare, if we would listen, to certify! For 'provocation will make a wise man mad.' And who has been of more service to the Itinerants of the west, whether they were in pursuit of converts to the gospel—or, as the worldlings say, 'wives with negroes?' To be sure, the saying is too often verified by those young men marrying so, and afterwards locating; appearing as if that *call* to the spirit, had ended in a call to the flesh! But be that as it may, I return to my question, because it is one of importance to *all* men: Who has been of more service to the church in the articles of refection than Jones? Truly with all his gatherings and with all his savings, he has been —by the congregated members of it, in the shape of an insatiable and devouring whale—like his namesake of old, '*swallowed up!*' But, unlike the whale of past time, they have forgot to set him on 'dry land again:' a sure indication that the provisions of the modern, lay easier upon their stomachs, than that of the ancient Jones did, in the belly of their whalish ancestor. Therefore, it is now too bad, when they are disappointed in their old haunt of luxury for both man and beast, to be ungrateful! when we ought rather to be thankful even if it was for nothing else but his heroic example and undaunted courage. Yea you ought all to love him as one who, under the existing state of things, as they are generally practised in our church, must, when I shall be no more, extend his sway as ruling elder over this our western polity. Yes, his pulpit axioms will be quoted, and his moral deeds will be imitated by all of common sense and sound judgment among you; for he has been—is now—and must be, a *Primus inter pares!*

'But why should I enlarge, except for the ostensible purpose of fortifying the wavering mind, by making it acquainted with indisputable precedents? And although my standing is, and that justly too, of priority among you, yet I do not mean you should confine your observations exclusively to me—as you are very apt to do—but to one another also; bearing in mind the Apostle's injunction: 'I will that the younger brethren should submit to the elder in all things'—a very proper commandment, as they must in reason be possessed of the greatest share of experience. *Ergo*, as your elder by office, as well as your elder by nature, I enjoin it upon you all to have a special regard to the conduct of my equal in years, if not in office and ecclesiastical usefulness—our trusty and well-beloved brother in the Lord, Henry Stephenson; whom you all know as a bright and shining example of

Gospel charity; and who is as persevering as he is faithful in the vineyard of his Heavenly master. Would then a man of his judgment and spiritual experience, if it had been wrong, told his people, 'That those who did not bring their grist to his Ox-Mill, when the water mills of the country did go, need not be at the trouble of doing so in the dry season; for they might depend upon it, if they should go without bread, their corn would stand unground!' There was dignity for you, and such dignity as had its effect too, even upon those who did not acknowledge him as their spiritual pastor; but who felt that he had a weighty and controlling power over the temporalities of their stomachs.'

'I say therefore, because I would have it impressed, indelibly impressed if possible upon your minds—that dignity and sublimity are the two grand characteristics of a Divine! As a conspicuous example of the first, observe, if you please, my Son-in-law, Bilbo, whom the triflers of this world designate by the name of Bo-Bill of Opelousas; and because he is of a dark complexion, they will have him to be tinted so by the blood of Darkies! Now, whether they are right or wrong, it matters not: you can see him, ever since he married my highminded daughter, wheeling through the country (rough and rugged as a western country is,) in his chaise and pair! striving to convince gainsayers, especially the learned, as his language from the *sacred desk*, ever since he had the honor of calling me father, has ascended, and is still arising far above the comprehension of the vulgar herd! That he as well as the rest of those young Itinerants, who have wedded wives of slender fortunes, has adopted as his motto the arguments of the Apostle, 'Have I not power to lead about a wife?' And again, 'while you are partakers of our spirituals, should we not partake also of your temporals?'

'As a worthy imitation of the sublime, view, if you can, and listen if you have an opportunity, to my son, James, on whom I have spared no pains to cultivate and polish for the ministerial trade, as it is now followed in our connection—inasmuch as I found that he had an unconquerable antipathy to farm labor. And although he is naturally a dull boy, and without the benefit of a scholastic education, yet I thought it was the best thing I could make of him. And the world may now judge with what success my efforts have been crowned, ever since his far famed and justly celebrated sermon on temperance. O! he is a hopeful son for such an unworthy father. Where is the head so callous? where is the heart so cold? as would not be softened and warmed by such a display of the sublime pathos, as the momentum given to this momentous subject produced in his brains.' 'You may well be sorry for your absence; for ah! my powers of rehearsal are far, very far from being adequate to do either him or his philippic that justice they so richly deserve. True, I may somewhat unite his broken sentences, or in some measure round his ragged periods; but O! had you but seen and heard him for yourselves, in that moment of rapturous excitement, with his left hand stretched forth, as in the act of pointing at some particular object, and his right hand shut in the very act of desk knocking, (remember, the power of the preacher is best known by the bills of the desk maker!) with his feet stamping the floor, and his whole body shaking instinctively abhorrent; so much so, that his zeal appeared in the eyes of his astonished hearers, to operate upon his system contrary to that of the psalmist David, for instead of 'eating him up,' it seemed to swell out his corporeal frame to twice its usual dimensions: while his eyes, like two prognosticating meteors, rolled — and his mouth with the saliva of wrath poured out, until the big drops of sweat — stood not on his brow, but coursed down his then inflated cheeks, like two torrents divided by a prominent rock on the face of an ocherous hill.'

"Look at the drunkard," said he; "view him as he reels from the tavern or grog-shop, after having despicably debauched himself with the only means remaining to provide either a supper or a breakfast for his wife and children! he reels — he staggers — he falls! And with much ado he recovers himself, and renews over and over again the scene of reeling — staggering — falling — and rising, until night overtakes him, before he has passed the last family dwelling next to his *home*. Do you suppose he got there at last? No! No!! For to-morrow comes, and with it the good neighbors are alarmed by the heart-rending spectacle of a disconsolate wife, and the woful inquiries of her hungry infants, 'did you see pa?'—'O my pa!' The day is spent by a sympathising people without success. The report of a lost man has gone far and wide. To-morrow convenes a still larger company in pursuit of the unfortunate wretch! And lo, on the third day he is found! By what sign, think you? By a flock of buzzards! Yes, by a flock of turky buzzards! But not in the act of devouring the whisky-bloated carcase, I tell you! No! No!! But perched on the branches of the overhanging trees, consulting their bills '*whether such filthy carrion would not turn their otherwise voracious stomachs?*'"

'There was an Original for you; at least it was thought so at the time; and many were misbelievers of the Buzzards' discriminating powers. But since that, my son's assertion has been supported by a corroborating testimony, taken from a field of more extensive observation—at the close of the last war—by those who observed the conduct of the Mississippi alligators, after the battle of New Orleans; which were seen, on account of the immense quantity of human bodies afloat in the river, to nozzle the red-coats; and if they were not broad-cloth ones, forsooth, their stomachs were too dainty to digest such vulgar bait as they contained!'

'Instinct, my brethren, may be as strong in a buzzard, as in an alligator; and if the one knew how to discriminate between the poor man's carcass and the rich, why not the other betwixt a drunken man's and a sober? yea, even man, boasting man! is as often moved by instinct, as he is by reason; and reason may at times leave him—but instinct never. Now as animals are entirely deprived of reason, it's but in justice and equity that they should be endued with a much greater proportion of instinct.'

'But allow me to remind you, that there is one gift more, my beloved brethren, of far greater value in our side of the house, than both reason and instinct put together: I mean Faith. Whatever you may say, or whatever you may do, keep that grace in mind; for says the Apostle, 'Faith removes mountains!' And had the two M'Donalds of Claiborne parish, Louisiana, and others with them, only been possessed of some of that grace which filled my wife Jane, when she crossed the swollen creek of more than *twenty* feet broad and *six* feet deep—walking on the surface of the water, (although she is but an awkward slow woman,) without ever wetting the soles of her feet, or yet the water ascending to the upper leathers of her shoes!—I say, had they ever had as much faith as to believe her, or her daughter's testimony, who was an eye witness of the fact! although she confessed her inability to do so too—they might have been as yet unspotted members of the sheep-fold; instead of having their 'flesh cast out to the buffetings of Satan, that peradventure, their souls may be saved in the day of the Lord!'

Enough! and more than enough! I exclaimed, my friends,—to convince me that there is still another class of people, inhabiting Texas, which I never so much as dreamed of; and be assured, my astonishment at the state of religion in the west, is completely laid aside. For it is in this our day, (human nature being the same in all ages,) as it was in the days of Elijah the prophet,—and Jehu the reformer; thousands of the upright and the godly have complained like the *first*, and millions have trod in paths of the *latter:* while the just might know, that even as the working of their own hearts is hid from their fellow men, so are the yearnings of those truly pious spirits whom they judge, unknown to mortal ken. And the Nimshi's should know, that religion is a thing of the heart—and not of the head. A possessor of the former, will be diffident among men in the commencement of his career, mild to mankind in his progress through life, and ineffably benign in his latter end: but, if of the latter, forwardness and display are the true characteristics of its pretending votary—zeal without knowledge his progress through life; and a persecuting hypocrisy winds up his noxious days!

Are there wolves in sheep's clothing? There are sheep also! or the vermin would appear in their own. Why do men cover themselves under the cloak of religion? Because there is a germ of its essence ingrafted from the beginning upon the heart of every man, which leads him as it were in spite of himself, to reverence its dictates, and to look to it as his final preserver. But, inasmuch as the soul of man becomes bound to the world and its vanities, in so much will that sacred *seed* which he possesses of religion, be retarded in its germination: and, as long as men are conscious of the inferiority of their guardianship over that divine plant, so long will the pretending Horticulturists thereof produce spurious blossoms in imitation, to deceive! But I would ask the man of moral character, and of honest heart, 'Whether a forgery committed in his name, whereby the worthy and the wise were injured, would alter his intrinsic worth, or even lessen him in the opinion of the commercial world?'

In admitting that—you allow this also: religion is as good as it is beneficial—and as great as it is glorious in its effects—Ergo, its counterfeit is as bad as it is prejudicial—and as mean as it is diabolical in its operations; leading the hasty and inconsiderate to pass their condemnation upon the reverently pious in *toto*, because, forsooth, there are recreants to the work among them, and because man is fallible. What if the passions of his heart will not rise from this earth of his affections—he will soon receive a summons to quit the overheating struggle: and however burned he may be himself, a scorching ray from his hypocrisy need never reach your radiant gem of immortality! *Coram Judice*, thou shalt answer for thyself and *not* for another! *Memento mori!!*

CONCLUSION.

Having in Texas lost horse after horse, (to say nothing of other property,) either by Indians, death, or fatigue, I have had occasion to learn some valuable recipes for the benefit of that useful animal, as by their adoption I have avoided some serious signs of more difficulties ahead. Being once mounted on a very fat American horse, in a very hot day, the heat so overcame him, that though I arrived at a house where he got water and corn as we judged in good

5
6

time, yet in the course of the night he appeared so far gone, as to be given up for death by all who observed him. Therefore, I had a bunch of Tobacco leaves torn up, and immediately torrefied to a snuff state, (snuff itself would have been better) putting two large table spoonfuls thereof, in a quart bottle, half full of whisky, filled up with warm water—shook them together and poured it down him. Then took a long handled iron-pan full of cotton, set fire to it, and held the smoke under his nostrils, making the water from them run freely. I have but seldom seen this medicine to fail, except where bots was the disorder: in that case, one handful of prepared indigo, dissolved in two quarts of warm sweet milk, will not only relieve the horse, but kill the bots by bursting! so that they shall leave him—a thing which they seldom or never do, by any other medicine ever tried!

Throughout the wet summer of 1835, the like of which has never been known in the province, I have had occasion, whether worthy or unworthy, to be at all, or nearly all the public meetings called for, in weal, or in woe to the people of Texas! Be that as it may, I spent four months and as many dollars in hundreds on the matter, considering peace to be a blessing easily thrown away, but not so easily to be picked up again. While thus employed, my splendid horse, by a continued progress through the flat wet prairies of the country, became seriously affected with the foot evil before I knew what remedy to apply, and most undoubtedly I should have lost him, had I not got where a person recommended 'boiling hot tallow mixed with tar to be poured into the sore,' a thing which never fails to cure that evil indeed, provided the horse is kept up in a dry stable, and the remedy applied every twenty-four hours. Even if tar is not at hand, tallow itself will kill the humor, and deaden the flesh to the preservation of the foot; and by the same application every twelve hours, while the horse is obliged to travel, he will recover, or at least get no worse, until he can have rest and proper keeping.

Having settled myself in Gonzales, after I had seen that the country of the Guadalupe was the best adapted to my constitution, and the inhabitants the best adapted to my political feelings—and where I had some right to believe that my exertions have not only been useful to myself, but beneficial to my fellow men; had it not been for the Indian warfare, which went so far as to drive us, man, woman and child, in spite of all our exertions, three several times into a fort for our preservation, during the (for Texas) severe winter of 1832—and the last political agitations of the people, I should have enjoyed myself as well, and as much to the purpose in pursuit of peace, ease and happiness, as I ever did in any other country, personal fatigue on public business notwithstanding.

A second time the country is at war with its government. A friend to whom that country is dear, stood by me through the whole of its commencing progress. To him I said, let me wish—'Well,' returned he, 'wish on.' Ah! continued I, if I do, you may tell me as the Philadelphia quaker told his friend on the banks of the Delaware, when they observed a large three-masted vessel heavily loaded with goods from England, moving majestically up the river: 'I wish,' exclaimed one, 'that ship was freighted with bags of gold, and these bags all consigned to me!' 'Pooh, pooh, man! that's no wish at all—*I* wish that ship was loaded with bags of needles' eyes, which had been worn to the eye making bags to hold gold in, now filled up for me!' And the one had his wish as soon as the other. However, I am bound to wish we had more men of peace in our young country, and fewer men of war. To take life on any consideration is awful, but to take it from wrong motives is terrible! O man, man, the spirit of preserving principle is of thy God! The spirit of destruction is the Devil's worming work, built up piece by piece in the heart through thy passive negligence: how well then would it be for thee, to *obsta principiis!*

Now, fellow traveler, if thou art a genuinely impressed republican, thou hast stuck to the *first* principle of that creed, in my case, as in thine own—which says 'Equals are *equally* free!' If so, our differences which may be, will only connect us the more in expressing the liberal patriot's ejaculations: 'Long live Republics! may their counsellors be clothed with wisdom! may their people be united in love! and may that God, who *rules the universe* and *directs the storm*, incline the hearts of kingly powers to have them in esteem and honor, so that they may have time and opportunity given, to grow into strength, wealth, and virtue.'

As under the benign influence and protection of a republican government, I trust in God! you and I, gentle reader, may spend the remainder of our days with ease and tranquillity—having our last hours soothed with the reflection, that the germ of liberty shall, and *must* grow, until it finally covers the face of the whole earth!!—*Bono pro*—

Freedom's the gem I do adore,
I found her on Columbia's shore—
I worship'd her with love divine,
And swore she'd evermore be mine.

Although I thus in raptures burn,
I'm not of common lovers' turn;
But wish that millions of the brave,
Could boast of favors they receive.

And, what is very strange to know,
She is no coquette with her beau;
But every day does joys impart,
And every night keeps light his heart!

APPENDIX.

Taking into view the march of infant nations, and upon that view building our hopes of futurity; we shall be led into the probable consequences, resulting from the present natural and political situation of the western hemisphere—so far as to believe, that no monarchy can for any length of time subsist upon it; but that on the contrary, its political system will give a stimulant to that of the eastern, until the inhabitants thereof become not only republicans in principle, but in action:—so that, finally, ignorance and superstition will be banished from the earth. Of course that divine right, so often supposed to be possessed by the few, to lord it over the many, will be lost in the all-vivifying influence of republicanism; which must ultimately cover the earth, as the waters of the deluge did the ancient world, until a resting place cannot be found, whereon a man of despotic principles can stand!

In no period of authenticated history, have we any account which will bear a comparison with the progress of society in the western world—not only as to its increase of numbers from the time it was first discovered, until the present day; but, in those improvements they have made in every thing appertaining to the ennobling of man! which must continue throughout ages to come, to increase and grow, until the western continent becomes as superior to the eastern, as the eastern has been in time past considered superior to it; lasting longer, and giving out a more durable light, than any other people, on any other portion of the earth ever did—their isolated situation protecting them from the attacks of such barbarians, as destroyed the fairest quarters of the eastern world.

Relying with full confidence on the belief, that however the members of a republic may at times differ in opinion as to political measures, and however republics themselves may at times differ on their reciprocal rights, yet will their pacific principles be such, and their interests to disagree so little, that even if they should be led at times by the mistaken views of their leaders, into war, still that war will neither be long, nor destructive in its effects.

So that we need not calculate on any sensible diminution of numbers ever taking place on that account; but on the contrary as succeeding years roll on, so will the inhabitants of the western hemisphere roll into a density, which would, as it has heretofore done, astonish the most profound algebraist of Europe.

Let us for a moment take a peep at its future numbers, by a calculation taking for its basis the past ratio of increase, which is well known to be in the United States, at least one-third every ten years. Allowing for accidental causes to have equal effect, sooner or later, in every political portion of the continent; we shall continue and proceed on the same principle with all. But inasmuch as according to the age of a country, (I speak in general terms,) so will its ratio of increase diminish; we shall therefore add one-sixth to the dividing number, every ten years, from the year 1,820 to the year 2,000 of the christian era—where we shall stop, upon the supposition that the whole world by that time, may with some degree of propriety be termed one universal republic!!

By the census taken of the United States, in the year 1820, it was found that they contained 9,638,226.—In that of 1830, by our addition of one-third 12,850,968.

In	1840	about	16,522,673	In	1930	about	70,215,060
"	1850	"	20,653,341	"	1940	"	78,475,651
"	1860	"	25,240,750	"	1950	"	87,195,167
"	1870	"	30,288,090	"	1960	"	96,373,605
"	1880	"	35,795,972	"	1970	"	106,010,965
"	1890	"	41,761,967	"	1980	"	116,107,199
"	1900	"	48,186,808	"	1990	"	126,862,035
"	1910	"	55,070,636	"	2000	"	137,676,125
"	1920	"	62,413,387				

Upon the same principle we find the British dominions in North America, including Newfoundland, to have been in 1820—554,000. And in 1830—738,666.

In	1840	about	949,713	In	1930	about	4,037,122
"	1850	"	1,187,391	"	1940	"	4,512,078
"	1860	"	1,451,225	"	1950	"	5,013,420
"	1870	"	1,741,506	"	1960	"	5,541,095
"	1880	"	2,058,143	"	1970	"	6,095,204
"	1890	"	2,401,166	"	1980	"	6,675,699
"	1900	"	2,770,576	"	1990	"	7,282,580
"	1910	"	3,166,372	"	2000	"	7,917,152
"	1920	"	3,588,554				

Which number when added to that of the United States, 165 years hence, will make an aggregate of 145,593,277 individuals, speaking the English language, and improving on their system of jurisprudence; when perhaps that nation will be sinking under the fate of empires, fast dwindling into that state of barbarism, from which their ancestors rescued the wild uncultivated fields of North America!

Starting the Mexican population at their round number of 1820, which was 6,500,000; we find that they amounted in 1830 to 8,666,666.

In	1840	about	11,014,856	In	1930	about	47,359,668
"	1850	"	13,928,570	"	1940	"	52,872,570
"	1860	"	17,023,807	"	1950	"	58,747,500
"	1870	"	20,428,556	"	1960	"	64,931,205
"	1880	"	24,142,853	"	1970	"	71,424,321
"	1890	"	28,166,654	"	1980	"	78,226,628
"	1900	"	32,499,991	"	1990	"	85,338,148
"	1910	"	37,142,878	"	2000	"	92,758,856
"	1920	"	42,095,261				

Thus we find the Mexican population something like their territory, equal to two thirds of the United States — with this difference, that the latter part of our period of calculation, may be the most favorable to their increase; while the first may be found the most advantageous, in that respect, to their sister republic of the North.

Taking the Guatimala republic, upon the same footing with their brethren of Mexico, we see that there were in 1820 1,200,000. In 1830 1,600,000. And

In	1840	about	2,057,142		In	1930	about	8,742,847
"	1850	"	2,571,427	a	"	1940	"	9,771,417
"	1860	"	3'142,855	a	"	1950	"	10,857,130
"	1870	"	3,771,426	a	"	1960	"	11,999,985
"	1880	"	4,457,139	a	"	1970	"	13,199,983
"	1890	"	5,199,995	a	"	1980	"	14,457,124
"	1900	"	5,999,994	a	"	1990	"	15,771,406
"	1910	"	6,857,136	a	"	2000	"	17,142,834
"	1920	"	7,771,420		"			

In putting this last number with that of the Mexicans at the same period, we shall find the Spanish dialect to be spoken by 109,901,690 persons in the North American continent,—being about one fifth less in number than that of the United States; and one fifth less than that of the English Americans;—reducing it to a moral certainty, that these two languages will in latter days, engage the serious attention of every enquiring mind, as by them in particular, they will be led into all the depths of science and philosophy.

Considering the unattached American Islands, as a distinct portion of the Western Continent, and, as being properly designated a part of the northern division thereof; we shall therefore include them in our present calculation; adopting the medium between the two extremes of their supposed numbers:—Commencing in 1820 with 2,225,000. In 1830 2,966,333. And

In	1840	about	3,815,856	In	1930	about	16,021,233
"	1850	"	4,769,820	"	1940	"	17,317,846
"	1860	"	5,829,780	"	1950	"	19,242,053
"	1870	"	6,995,736	"	1960	"	21,267,532
"	1880	"	8,167,686	"	1970	"	23,294,285
"	1890	"	9,528,969	"	1980	"	25,622,312
"	1900	"	10,994,964	"	1990	"	27,951,613
"	1910	"	12,565,673	"	2000	"	30,382,168
"	1920	"	14,241,096				

Placing this last number under the 255,494,967 on the main land, we find they amount to the astonishing number of 285,877,155 equal to all Europe, Africa, and America, when put together at the present day!

Proceeding to South America, we will take them as we did that of the North, according to their natural and political consequence:—Beginning with the republic of Colombia, which contained in 1820 about 3,000,000. In 1830 say 4,000,000.

In	1840	about	5,142,857	In	1930	about	21,860,701
"	1850	"	6,428,571	"	1940	"	24,775,461
"	1860	"	7,857,142	"	1950	"	27,528,290
"	1870	"	9,428,570	"	1960	"	29,899,688
"	1880	"	11,144,673	"	1970	"	32,889,656
"	1890	"	13,002,118	"	1980	"	36,022,004
"	1900	"	15,002,137	"	1990	"	39,296,729
"	1910	"	17,145,649	"	2000	"	42,713,855
"	1920	"	19,431,735				

Taking the Peruvian republic upon the same footing, we find that their population was in 1820 1,800,000. In 1830 2,400,000. And

In	1840	about	3,085,714	In	1930	about	13,001,767
“	1850	“	3,857,140	“	1940	“	14,531,386
“	1860	“	4,714,282	“	1950	“	16,145,984
“	1870	“	5,657,138	“	1960	“	17,845,461
“	1880	“	6,685,707	“	1970	“	19,630,007
“	1890	“	7,799,991	“	1980	“	21,451,912
“	1900	“	8,999,989	“	1990	“	23,403,083
“	1910	“	10,285,701	“	2000	“	25,438,135
“	1920	“	11,557,127				

Starting the Chilians upon the same principle, we find their number was in 1820, 100,000. In 1830, 133,333. And

In	1840	about	171,427	In	1930	about	728,482
“	1850	“	214,283	“	1940	“	814,185
“	1860	“	261,901	“	1950	“	904,650
“	1870	“	314,281	“	1960	“	999,876
“	1880	“	371,423	“	1970	“	1,099,863
“	1890	“	433,326	“	1980	“	1,204,611
“	1900	“	499,991	“	1990	“	1,314,121
“	1910	“	571,418	“	2000	“	1,428,918
“	1920	“	647,540				

Upon the same method we find the United Provinces of La Plata to have been in 1820, 2,000,000. In 1830, 2,666,666. And

“	1840	about	3,428,570	In	1930	about	14,745,273
“	1850	“	4,285,712	“	1940	“	16,480,011
“	1860	“	5,238,181	“	1950	“	18,311,123
“	1870	“	6,283,817	“	1960	“	20,238,610
“	1880	“	7,517,238	“	1970	“	22,262,471
“	1890	“	8,770,111	“	1980	“	24,382,706
“	1900	“	10,119,358	“	1990	“	26,599,315
“	1910	“	11,564,980	“	2000	“	28,911,864
“	1920	“	13,106,910				

Putting that last number with the Chilians, the Peruvians and the Colombians, the amount will be 98,482,772. Adding this with the number of their Spanish brethren of the North, we shall then see clearly that the Spanish population, still outnumber by almost one-third, the English or American descendants on the Continent;—but as the Americans, on account of their superior enterprise, will engross, in time, much more of the Islands of the Western Hemisphere than they will, and at the same time bringing the different dialects of their inhabitants into the English language; we may venture to predict, that at the period our calculation ends, whatever may be the difference in other respects, between the speakers of the Spanish and English languages, they will be almost equal in numbers, and equal participators in transmitting to posterity, the glorious monument of personal and national freedom.

Looking at the calendar of the Brazilian Portuguese, we see that they were registered in 1820, to 2,300,000. In 1830, 3,066,666. And

In	1840	about	3,942,856	In	1930	about	16,798,180
“	1850	“	4,928,570	“	1940	“	19,303,789
“	1860	“	6,336,732	“	1950	“	21,448,654
“	1870	“	7,564,078	“	1960	“	23,706,407
“	1880	“	8,939,374	“	1970	“	26,077,047
“	1890	“	10,585,936	“	1980	“	28,560,575
“	1900	“	12,214,541	“	1990	“	31,157,009
“	1910	“	13,959,475	“	2000	“	33,388,153
“	1920	“	15,820,605				

By our joining the English, French, and Dutch Guianas together, we shall be led to suppose, that in all probability their united numbers in 1820, were 200,000. In 1830, 233,333. And

In	1840	about	299,999	In	1930	about	1,254,655
“	1850	“	373,998	“	1940	“	1,398,882
“	1860	“	456,997	“	1950	“	1,465,313
“	1870	“	548,396	“	1960	“	1,607,398
“	1880	“	648,104	“	1970	“	1,968,137
“	1890	“	756,121	“	1980	“	2,155,578
“	1900	“	869,121	“	1990	“	2,351,539
“	1910	“	993,554	“	2000	“	2,556,010
“	1920	“	1,125,027				

In uniting the numbers of the Guianians, Portuguese, and Spaniards of the South, we find their aggregate to be 134,426,835, which when enrolled with the contiential numbers of the North—amounts to 389,921,802—and when we add to this number, the West Indian Islands, we shall find that in the year 2000 of the Christian era, the whole number of souls inhabiting the western world, will in all probability amount to the astonishing number of 420,303,990—no doubt equal to all Asia, at the present day; which has had thousands, instead of hundreds of years to settle up, and grow in.

Dividing the 15,000,000 of square miles in the continent of America, among its inhabitants 165 years hence, it will be found, if our numerical calculations hold out, that there will be 26 individuals to the square mile: and if we should only allow one half of the whole continent to be covered with uninhabitable mountains, uncultivatable wastes, undrainable lakes, and unstoppable rivers, there will in that case be 52 souls to the square mile of arable land!

THE CONSTITUTION OF THE MEXICAN UNITED STATES.

The Supreme Executive Power, provisionally appointed by the general sovereign Congress of the Nation, to all who shall see these presents, *Know, and understand,* That the same Congress has decreed and sanctioned the following

FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of God, all powerful, author and supreme legislator of society. The general constituent Congress of the Mexican Nation, in the discharge of the duties confided to them by their constituents, in order to establish and fix its political Independence, establish and confirm its Liberty, and promote its prosperity and glory, decree as follows:

CONSTITUTION OF THE UNITED MEXICAN STATES.

Title 1st. Only Section. — *Of the Mexican Nation, its Territory and Religion.*

Article 1. The Mexican Nation, is forever free and independent of the Spanish government, and every other power.

2. Its Territory consists of that, which was formerly called the viceroyalty of New-Spain, that styled the captain generalship of Tucaton, that of the commandant generalship formerly called the Internal Provinces of East and West, and that of Lower and Upper Caliafornia, with the lands annexed, and adjacent lands in both seas. By a constitutional law, a demarkation of the limits of the Federation will be made as soon as circumstances will permit.

3. The Religion of the Mexican Nation, is, and will be perpetually, the Roman Catholic Apostolic. The Nation will protect it by wise and just laws, and prohibit the exercise of any other whatever.

Title 2d. Only Section. — *Form of Government of the Nation, of its integral parts and division of Supreme Power.*

4. The Mexican Nation adopts for its Government, the form of Republican representative, popular Federal.

5. The parts of this Federation, are the States and Territories as follows: — The State of the Chiapas, Chiuahua, Coahuila and Texas, Durango, Guanajuato, Mexico, Michoacan, New Leon, Oajaca, Puebla de los Angeles, Quetaro, San Luis Potosi, Sinora and Sinaloa, Tobasco, Tumaulipas, Vera Cruz, Xalisco, Yucatan Tacatecas; the Territory of Upper Caliafornia, Lower Caliafornia, Colima and Santa Fe of New Mexico — a constitutional law shall fix the character of Tlaxcala.

6. The supreme power of the Federation will be divided for its exercises, in Legislative, Executive, and Judicial.

Title 3d. Section 1st. — *Legislative power, of its nature and the mode of exercising it.*

7. The legislative power of the Federation, shall be disposed in a

General Congress, this to be divided in two houses, one of Deputies (Representatives) and the other of Senators.

SECTION 2d.—*Of the House of Representatives.*

8. The House of Representatives shall be composed of Representatives elected totally every two years, by the citizens of the States.

9. The qualifications of the electors shall be constitutionally prescribed by the Legislatures of the States; to whom, likewise, appertains the regulation of the elections, in conformity with the principles established by this Constitution.

10. The general basis for the appointment of representatives, shall be the population.

11. For every 80,000 souls, one Representative shall be appointed, or for a fraction which passes 40,000. The State which may not contain this population, shall, notwithstanding, appoint one representative.

12. A census of the whole Federation, which shall be formed in five years and renewed every ten, shall serve to designate the number of Deputies corresponding to each State; and in the mean time, it shall be regulated agreeably to the basis established in the former Article, by the census which governed in the election of Deputies in the present Congress.

13. In the same manner shall be elected in each State, the necessary number of supernumerary representatives, in the ratio of one for every three full representatives, or for a fraction amounting to two; the States which may contain less than three full representatives shall elect one supernumerary.

14. The Territory which may contain more than 40,000 inhabitants, shall appoint a full representative and one supernumerary, who shall have a voice and vote in the formation of laws and decrees.

15. The Territory which may not contain the foregoing number of population, shall appoint one full representative and one supernumerary, who shall be entitled to a voice in all matters. The election of Representatives for the Territories shall be regulated by a special law.

16. In every State and Territory of the Federation, the appointment of Representatives shall be made on the first Sunday in October previous to its renovation. The election to be indirect.

17. The election of Representatives concluded, the electoral college shall remit through their President to the Council of Government, a legal return of the election, and notify the elected of their appointment by an official letter, which shall serve as a credential of election.

18. The President of the Council of Government shall give to the returns, referred to in the preceding Article, the direction prescribed by the regulations of said Council.

19. To be a Representative it is required—First, To be at the time of the election, twenty-five years of age, complete. Second, To have been a resident of the State, from which elected, at least two years, or born in the State, although a resident in another.

20. Those not born in the territory of the Mexican Nation, to be Representatives, must have, besides eight years' residence in it, 8000 dollars of real estate in any part of the Republic, or an occupation that produces them 1000 per year.

21. Exceptions to the foregoing Article—First, Those born in any other part of America, that in 1810 appertained to Spain, and has not united itself to another nation, nor remains subject to the former, to whom three years' residence in the Territory of the Federation is sufficient, in addition to the requisite prescribed in the 19th Article. Second, The military not born in the Territory of the republic, who, with arms, sustained the independence of the country, eight years' residence, complete, is sufficient, and the requisites prescribed in the 19th Article.

22. In the election of Representatives, actual residence shall have preference over birth and non-residence.

23. Those cannot be Representatives—First, Those deprived or suspended from the rights of citizenship. Second, The President and Vice-President of the Federation. Third, The members of the Supreme Judicial Court. Fourth, Secretaries of the Cabinet and the officers of their departments. Fifth, Those employed in the Treasury, whose functions extend over the whole Federation. Sixth, Governors of States and Territories, Commandant Generals, Archbishops and Bishops, Governors of Archbishoprics and Bishoprics, Provisors and Vicar Generals, Circuit Judges, Commissary Generals of treasury and war, for the States and Territories over which they exercise their functions.

24. In order that any person enumerated in the foregoing Article may be eligible, it is necessary they should have ceased their functions six months previous to their election.

Section 3d.—*Of the Senate.*

25. The Senate shall be composed of two Senators from each State, elected by an absolute majority of the votes of the Legislatures, and renewed by one-half every two years.

26. The seats of the Senators appointed in the second place, shall be vacated in two years, and the first appointed in four years, and so on in succession.

27. When a vacancy occurs by the death, resignation, or other cause, it shall be filled by the corresponding Legislature in session, if not as soon as it meets.

28. To be a Senator it is necessary to possess all the qualifications required by the former Section, to be a representative, and moreover, to be at the time of election, thirty years of age.

29. No person can be a Senator, who is disqualified from being a Representative.

30. In the election of Senators, the 22d Article shall also govern.

31. When the same individual is elected for a Senator and Representative, the first election shall have the preference.

32. The periodical election of Senators shall be made in all the States on the same day, which shall be on the first day of September previous to the renewal of half the Senators.

33. The election of Senators concluded, the Legislature shall remit a legal return through their President, to the President of the Council of Government; and notify the elected of their appointment, by means of an official letter, which shall serve them as credentials. The President of the Council of Government shall give the direction to these returns indicated in the 18th Article.

SECTION 4th.—*Of the Individual Functions of both Houses and Prerogatives of its Members.*

34. Each House in its preparatory meeting, and in every thing appertaining to its government, shall follow the rule formed by the present Congress; provided that amendments may be made to them in future, should both Houses consider it necessary.

35. Each House shall judge of the elections of its respective members, and resolve all doubts which may occur in them.

36. The Houses cannot open their sessions without the presence of more than the half of the total number of its members; but those present of one and the other, must unite on the day appointed for the regulation of the internal government of each, and respectively compel the attendance of the absentees, under the penalties prescribed by the law.

37. The Houses will communicate with one another, and with the Supreme Executive Power, by means of their respective Secretaries, or by means of deputations.

38. Either of the two Houses may sit as Grand Jurors, on accusations. First, Against the President of the Federation, for the crime of Treason against the National Independence or the established form of Government, or for subordination or bribery during the time of his service. Second, also, against the President, for acts manifestly intended to impede the [illegible] President, Senators, or Representatives, or to prevent them [illegible] on the exercise of their duties in the manner prescribed in this Constitution, or to deprive the Chambers of the use of any of the powers constitutionally vested in them. Third, against the members of the Supreme Court and the Secretaries of the departments, for any crime committed [illegible] the time of their service. Fourth, against the Governors of the [illegible], for infractions on the Federal Constitution, laws of the Union, or orders of the President of the Federation, which may not be manifestly contrary to the Constitution and general laws of the Union, and likewise by the publication of laws and decrees of the Legislatures of their respective States, contrary to the same constitution and laws.

39. The House of Representatives will exclusively form a Grand Jury, when the President or his ministers may be accused of acts in which the Senate or the Council of Government have concurred by reason of its attributions. The House will, in the same manner, serve as Grand Juror, in cases of accusation against the Vice-President, for any offence committed during the term of his service.

40. The House, before which has been made the accusation of the individual spoken of in the two preceding articles will form itself in a Grand Jury, and if it is declared, by the vote of two-thirds of the members present, that there is cause of accusation, the functions of the accused shall be suspended, and he shall be placed at the disposition of the competent tribunal.

41. Any Representative or Senator, can make any proposition in writing, or present projects of a law or decree in his respective chamber.

42. The Representatives and Senators shall be inviolable for the opinions manifested in the discharge of their duties, and never can be called to account for them.

43. In all criminal prosecutions instituted against Senators or Representatives, from the time of their election until two months after the

expiration of their term of service, the former shall be accused before the Chamber of the latter, and the latter before that of the former; each Chamber composing a Grand Jury respectively for this object.

44. If the Chamber sitting as a Grand Jury, in the cases referred to in the last Article, declare by a vote of two-thirds of the members present, that there is cause for accusation, the accused shall be suspended and placed at the disposition of the competent tribunal.

45. The emoluments of the Representatives and Senators shall be determined by law, and paid from the general treasury of the Federation.

46. Each House, and also the meetings spoken of in the 36th Article, shall have power to deliver such orders as they may deem necessary to carry their resolutions into effect, issued by virtue of the functions granted to each by the 35th, 36th, 39th, 40th, 44th, and 45th Articles of the Constitution, and the President of the United States shall cause them to be executed without making any observations upon them.

SECTION 5.—*Of the faculties of the General Congress.*

47. Every resolution of the general Congress shall have the character of a law or decree.

48. The resolutions of the general Congress, to be entitled to the force of law or decree, must be signed by the President, except in cases otherwise provided in this Constitution.

49. The laws and decrees which emanate [illegible] general Congress, shall have for object—First, to sustain the [illegible] independence, and provide for the National security and preservation of its exterior relations. Second, to preserve the Federal [illegible] of the States, and the peace and public order of the interior of the Federation. Third, maintain the independence of the States [illegible], in all that relates to their interior government, in [illegible] Constitutional Act, and this Constitution. Fourth, [illegible] proportional equality of obligations and rights, which the [illegible] to before the law.

50. The exclusive faculties of the general Congress are the following:—First, promote illustration, securing for a limited time, exclusive rights to authors for their respective works; establishing Colleges for marine, artillery, and engineers; erecting one or more establishments in which are to be taught, natural, political, and moral sciences, noble arts, and the languages, without prejudice to the power which the Legislatures have to regulate public education in their respective States. Second, promote the general prosperity, by opening and improving roads and canals, without impeding the States in the improvement of theirs; establishing mails and post-offices, and securing for a limited time, exclusive right to the inventors, perfectioners or introducers of any branch of industry, for their respective inventions, perfections, or new introductions. Third, protect and regulate the political liberty of the press, in order that its exercises may never be suspended, and much less abolished in any of the States and Territories of the Federation. Fourth, admit new States to the Federal Union or Territories, incorporating them in the Nation. Fifth, regulate definitively, the Limits of the States, when they cannot agree among themselves about the demarkation of their respective districts. Sixth, form States out of Territories, or unite them to those already existing. Seventh, unite two or more States, by a peti-

tion of their Legislatures, to form one only, or form a new one from the limits of those that already exist, with the approbation of three-fourths of the members present of both houses, and a ratification of an equal number of the Legislatures of the other States of the Union. Eighth, fix the general expenses, establish the necessary contributions to cover them, regulate their collection, determine the inversion, and take annually accounts thereof from the Government. Ninth, contract debts upon the credit of the Federation, and designate guarantees to cover them. Tenth, acknowledge the National debt, and designate means for its consolidation and payment. Eleventh, regulate the commerce with foreign nations, and among the different States and Tribes of Indians. Twelfth, give instructions to celebrate covenants with the Apostolic Chair, approve them for their ratification, and regulate the exercise of the patronage in all parts of the Nation. Thirteenth, approve treaties of peace, alliance, friendship, federation, armed neutrality, and whatsoever others which the President of the United States may celebrate with foreign powers. Fourteenth, to establish all kinds of ports, custom-houses, and designate their locations. Fifteenth, determine and regulate the weight, standard, value, type and denomination of money in all the States of the Federation, and adopt a general system of weights and measures. Sixteenth, declare war after examining the data prescribed by the President of the United States. Seventeenth, form regulations relative to granting letters of marque and reprisal, and to declare good or bad captures [illegible] and land. Eighteenth, designate the armed force of sea and [illegible]spective quota of men to each State, and give orde[illegible]ganization and service. Nineteenth, form regul[illegible] discipline the local militia of the State, reser[illegible]tment of their respective officers, and the fac[illegible]bly to the discipline prescribed by said regu[illegible] deny the entrance of foreign troops in the [illegible] Twenty-first, permit or not, the station of squ[illegible] more than one month, in the Mexican ports. T[illegible]ot, the departure of National troops without the [illegible]n. Twenty-third, create or suppress public offices of [illegible]nate, augment or diminish their emoluments and pensions. Twe[illegible]urth, grant premiums and recompenses to corporations or persons who have rendered important services to the Republic, and decree public honors to the posthumous memory of great men. Twenty-fifth, grant amnesty or pardon for crimes, the cognizance of which appertains to the tribunal of the Federation, in the cases, and with the previous requirements prescribed by law. Twenty-sixth, to establish a general law of naturalization. Twenty-seventh, to give uniform laws in every State, on the subject of bankruptcies. Twenty-eighth, to select a place to serve as a residence for the supreme powers of the Federation, and exercise within its limits the attributions of the legislative powers of the State. Twenty-ninth, to change such residence when they may deem it necessary. Thirtieth, give laws and decrees for the regulation of the interior administration of the Territories. Thirty-first, dictate all the laws and decrees that may be conducive to fulfil the object spoken of in the 49th Article, without interfering with the interior administration of the State.

SECTION 6th.—*Formation of the Laws.*

51. The formation of laws and decrees can proceed indiscriminately from either of the two Houses, with the exception of those which arise from contributions or imposts, which cannot have origin except in the House of Representatives.

52. There shall be considered as incipients of law or decree — First, the propositions which the President of the United Mexican States may deem conducive to the general good of society, and as such, particularly recommend them to the House of Representatives. Second, the propositions or plans of laws or decrees which the Legislatures may direct to either House.

53. All projects of a law or decree, without any exception, shall be successively discussed in both Houses, observing in each with exactitude, the rules relative to the form of debates, interval and mode of proceeding in discussing and voting.

54. The projects of a law or decree rejected in the House where it originated, before being sent to the other House, shall not be renewed in the same House by its members in the sessions of that year, but must remain until the following year.

55. If the project of a law or decree, after having been debated, should be approved by the absolute majority of the members present of both Houses, shall be passed to the President of the United States, who also, if he approves it, shall sign and publish it, and if not, return it, with his observations, within the term of ten days, (Sundays and solemn festivals excepted,) to the House of its origin.

56. The project of a law or decree, returned by the President in conformity with the proceding Article, shall be a second time discussed in the two Houses. If in both of these it should be approved by two-thirds of the members present, it shall be again returned to the President, who, without excuse, must sign it and publish it, but if it was not approved by the vote of two-thirds of both Houses, it cannot be renewed in either of them until the next year.

57. If the President does not return any project of a law or decree within the time prescribed in the 55th Article, it shall, from that circumstance be considered as sanctioned, and as such shall be promulgated, unless in the mean time, the session of Congress should be closed or suspended, in which case the return must be made on the first day in which Congress [illegible] be re-assembled.

58. The project of a law or decree, totally [illegible] the first time by the House to which it has been sent, shall be ret[illegible]eir observations to the one in which it originated, if after a re-[illegible] House shall again approve of it by a vote of two-thirds o[illegible] shall be sent a second time to the House that rejec[illegible] time reject it without the concurrence of two-thi[illegible]

59. The projects of a law or dec[illegible] revision by two-thirds of the members of the [illegible] not rejected by two-thirds of the members of t[illegible] the President, who shall sign and publish it[illegible] Sundays, &c. excepted) to the House where it [illegible]

60. The project of a law [illegible] the foregoing Article, the President returned to the H[illegible] origin, it [illegible] be again taken into consideration, and if this approve[illegible] of [illegible] thirds of the members present, and the revising body does [illegible] by an [illegible] number of its members, it shall be returned to the President, [illegible] must publis[illegible]. But if it was not approved by the vote of two-thirds of the [illegible]use of its origin, or was rejected by an equal number of the revising body, it cannot be renewed until the ordinary subsequent sessions.

61. In the event of the rejection a second time of the revising body, in conformity with the 58th Article, the project shall be considered rejected, and cannot be reconsidered until the following year.

62. In the amendments which the revising body make to any project of a law or decree, there shall be observed the same formalities required before the project of a law can be sent to the President.

63. The parts of a project of a law or decree rejected for the first time by the revising body, shall take the same course as those totally rejected by it for the first time.

64. In the interpretation, modification, or revocation of the laws or decrees, the same requisites shall be observed which are prescribed for their formation.

65. All resolutions of the general Congress communicated to the President of the Republic, must be signed by the President of both Houses and by a Secretary of each one of them.

66. For the formation of every law or decree, it is necessary that an absolute majority of all the members of each House should be present in their respective Houses.

SECTION 7th. *Of the time, duration and place of the Sessions of the General Congress.*

67. The general Congress shall meet every year on the first day of January at the place designated by law; its internal rules shall prescribe the previous forms necessary at the opening of its sessions and the formalities which are to be observed at its installation.

68. The President of the Federation shall assist at the installation, and pronounce a discourse analogous to this important act, and the person who presides in Congress, shall answer it in general terms.

69. The ordinary sessions of Congress shall be daily without any other interruption than that of the days of solemn festival, and in order to adjourn for more than three days, the consent of both Houses shall be necessary.

70. Both Houses shall reside in the same place, and cannot move to another, without first agreeing on the removal, the time and manner of effecting it, designating the same point, for the reunion of one and the other. But if they agree on a removal, and differ as to the time, mode, and place, the President of the States shall determine the difference, electing one of those in question.

71. The Congress shall close its sessions annually on the 15th day of April, with the same formalities as are prescribed for its opening, proroguing the session 30 days, (Sundays and solemn festivals excepted) when they may deem it necessary, or when the President of the Federation requires it.

72. When the general Congress is assembled for extraordinary sessions, it shall be formed of the same Representatives and Senators as the ordinary sessions of that year, and shall occupy itself exclusively on the object or objects for which it was convened; but if these should not be completed on the day in which the ordinary sessions are to commence, the extraordinary sessions shall cease, and the subject pending shall be determined by Congress in said ordinary sessions.

73. The resolution that the Congress take relative to the removal, suspension, or prorogation of their sessions, agreeably to the three preceding Articles, shall be communicated to the President, who shall cause them to be executed without making any observations upon them.

TITLE 4th. SECTION 1st.—*Of the Supreme Executive Power of the Nation.*

74. The supreme executive power of the Federation shall be deposited in one individual, who shall be styled *President of the United Mexican States.*

75. There shall likewise be a Vice President, on whom will devolve the faculties and prerogatives of the President, in case of his physical or moral inability to serve.

76. To be President or Vice President, it is required to be a Mexican citizen by birth, thirty-five years of age at the time of the election, and to be a resident in the country.

77. The President cannot be re-elected for this office, until after four years are passed from the time of his retirement.

78. He that is elected President or Vice President of the Republic, shall accept these offices in preference to any others.

79. The first day of September, anterior to the year in which the new President must enter on the exercise of his duties, the Legislatures of each State shall elect by an absolute majority of votes two individuals one of which, at least, must not be a native of the State that elects.

80. The voting concluded, the Legislature shall remit to the President of the Council of Government, a legal return of the election, in order that he may give it the course designated by the rules of the Council.

81. The sixth of January afterwards, the said returns shall be read in presence of both Houses united, provided those of three-fourths of the Legislatures of the States have been received.

82. The reading of said returns concluded, the Senators shall retire, and a committee appointed by the House of Representatives, and composed of one for each State of those that have Representatives present, shall revise them and render an account of the result.

83. The House shall then proceed to class the elections and enumerate the votes.

84. He who has an absolute majority of the votes of all the Legislatures shall be the President.

85. If two should have said majority, he shall be President who has the most votes, and the other the Vice President. In case of a tie with said majority, the House of Representatives shall elect one of the two for President, and the other shall be Vice President.

86. If no one should have the absolute majority of the votes of the Legislatures, the House of Representatives shall elect the President and Vice President,

choosing in each election, one of the two which had the greatest number of suffrages.

87. When more than two individuals have a respective majority and equal number of votes, the House shall choose from them the President or Vice President as the case may be.

88. If one has received the respective majority, and two or more have an equal number of suffrages but greater than the others, the House shall elect from those who have the greatest number of votes.

89. If all have an equal number of votes, the House shall elect from among them all, the President and Vice President, doing the same when one has a number of suffrages and the others an equal number.

90. If there should be a tie upon the voting of the classing of the elections made by the Legislatures, the votes shall be repeated once, and if it should result in a tie, shall decide it by lot.

91. In the competitions between three or more that have an equal number of votes, the voting shall be directed to the reduction of the competitors to two or one, in order that in the election he may contend with the other, that may have obtained a relative majority over all the others.

92. For a general rule in voting, relative to the election of President and Vice President, they shall not refer to lots before having made a second vote.

93. The voting on classifications of elections made by the Legislatures, and on those made by the House of Representatives for President and Vice President, shall be made by States, the representation of each one having a single vote, and in order that there may be a decision in the House, it must contain an absolute majority of the votes.

94. In order to deliberate on the objects contained in the foregoing Article, there must be united in the House more than the half of the total number of its members, and be present, Representatives from three-fourths of the States.

SECTION 2d.—*Duration of the office of President and Vice President, manner of filling the vacancies of both, and their oath.*

95. The President and Vice President of the Federation shall enter upon the discharge of their duties on the first of April, and shall be replaced precisely on the same day every four years by a new constitutional election.

96. If for any motive, the elections of President and Vice President are not made and published by the first of April when they ought to take their seats, or those elected should not immediately enter upon the discharge of their duties, nevertheless, the former ones shall go out of office the same day, and the supreme executive power shall be deposited, provisionally, in a President, that shall be elected by the House of Representatives, voting by States.

97. In case the President should be indisposed, then the provisions in the preceding Article shall have effect, and if both should be at the same time, and Congress not being in session, the Supreme Executive Power shall be deposited in the hands of the Chief Justice of the Supreme Court, and two individuals that shall be elected by an absolute plurality of votes by the Council of Government; these are not to be members of the general Congress, and are to have the qualities requisite to be a President of the Federation.

98. Until the elections are made to which the preceding Articles allude, the Chief Justice of the Supreme Court shall be charged with the Supreme Executive Power.

99. In case of the perpetual inability of the President and Vice President to serve, Congress, or in its recess, the Council of Government, will respectively provide according to Articles 96 and 97, and so dispose that the Legislatures proceed to the election of President and Vice President, according to the forms prescribed by the Constitution.

100. The elections of President and Vice President, made by the Legislatures, in consequence of the perpetual inability of those to serve who had been elected for these offices, shall not impede the ordinary elections the first of September every four years.

101. The President and Vice President newly elected, must be on the first day of April, in the place where the supreme powers of the Federation reside, and before both Houses assembled, swear to observe the duties imposed on them under the following form.

"I, N— Elected President (or Vice President) of the United Mexican States, swear before GOD and the Holy Evangelists, that I will exercise faithfully, the charge the same U. S. have confided in me, and that I will keep, and cause to be kept exactly, the Constitution and general laws of the Federation."

102. If neither the President or Vice President present themselves to swear as the preceding Article provides, and the sessions of Congress being open,

they shall swear before the Council of Government as soon as each one presents himself.

103. If the Vice President takes the oath prescribed in Article 101, before the President, he shall enter immediately on the discharge of the duties of President until he shall have sworn.

104. The President and Vice President constitutionally appointed according to Article 99, and those individuals provisionally appointed to exercise the charge of President, according to Articles 96 and 97, shall be sworn as prescribed in Article 101, before both Houses, if assembled, if not, before the Council of Government.

SECTION 3d.—*Of the prerogatives of the President and Vice President.*

105. The President has the power to lay before Congress such propositions or amendments of laws as he may deem conducive to the general good, directing them to the house of Representatives.

106. The President has the power once in the space of ten days (Sundays and solemn festivals excepted) to make observations upon the laws and decrees passed to him by Congress, suspending their publication until the resolution of Congress, except in the cases mentioned in this Constitution.

107. The President, during the time of his administration, cannot be accused, except before either of the Houses, and only in crimes alluded to in Article 38, committed in the time therein expressed.

108. Within one year from the day on which the President ceases his functions, he cannot be accused except before one of the Houses for crimes alluded to in Article 38, or any others committed during the term of his administration, after this he cannot be accused for those crimes.

109. The Vice President, during the four years of his administration, cannot be accused except before the House of Representatives, for whatever crime he commits during the time of his administration.

SECTION 4th.—*Attributions of the President and the restrictions of his faculties.*

110. The attributions of the President are the following: First, to publish, circulate, and cause to be kept, the laws and decrees of the general Congress. Second, to give rules and decrees, and orders for the better observance of the Constitution, constitutional act and general laws. Third, to put into execution the laws and decrees directed to preserve the integrity of the Federation, and to sustain its Independence in its exterior, together with its union and liberty in its interior. Fourth, to name and remove freely, Secretaries of the departments. Fifth, to direct the collection of, and decree the inversion of general contributions agreeably to the laws. Sixth, to name the officers of the Treasury department, and those of the commissary generals, diplomatic ministers, and consuls, colonels and other superior officers of the permanent army, active militia and navy, with the approbation of the Senate, and should it not be in session, with the Council of Government. Seventh, to name all other officers of the permanent army, navy and active militia, and officers of the Federation, conformably to the laws. Eighth, to appoint, after previous recommendation from the Supreme Court, Judges and Attorney Generals of the Circuit and District. Ninth, to grant discharges, grant licenses, and regulate military pensions according to law. Tenth, to dispose of the permanent armed force by sea and land, and the active militia for the security of the interior and defence of the exterior of the Federation. Eleventh, to dispose of the local militia for the same purposes, but to take them out of their respective States or Territories, it will require the previous consent of Congress, who will also designate the force necessary. Should Congress not be assembled, the consent of the Council of Government will be necessary, and who will also designate the number. Twelfth, to declare war in the name of the United Mexican States, after a previous decree of Congress to that effect, and to grant commissions to Privateers in conformity with the laws. Thirteenth, to celebrate covenants with the Apostolic Chair, as designated in clause 12th of Article 50. Fourteenth, to direct diplomatic negociations, and to celebrate treaties of peace, amity, alliance, truce, federation, armed neutrality, commerce, and all others, but to give or deny the ratification of any of them, requires the approbation of the general Congress. Fifteenth, to receive ministers and other envoys from foreign nations. Sixteenth, to request Congress to prorogue their sessions for thirty days (Sundays &c. excepted.) Seventeenth, to assemble Congress for extraordinary sessions, as he may deem the case necessary, by the consent of two-thirds of the Council of Government present. Eighteenth, also assemble an extraordinary session of Congress, when the Council of Government shall deem it necessary, and the vote of two-thirds of the members present, is given to that effect. Nineteenth, to see that justice is promptly and impartially administered by the Supreme

Courts, Tribunals, and inferior courts of the Federation, and that their sentences be executed according to law. Twentieth to suspend from their employments, for the space of three months, and deprive one half of their pay for the same time, all officers belonging to the Federation, violaters of its orders and decrees; and should there be cause for a prosecution against such officers, he shall place the subject before its proper tribunal. Twenty-first, to grant the passage, or retain the decrees of the Ecclesiastical Councils, Pontifical Bulls, Briefs and Rescripts, with the consent of the general Congress, if they contain general dispositions to be laid before the Senate, or in its recess, before the Council of Government, if containing governmental business, and before the Supreme Court of Justice, if it is a subject of litigation.

111. The President, in publishing laws and decrees, shall use the following form: "The President of the United Mexican States, to the inhabitants of the Republic, *Know*, that the general Congress have decreed the following: (here the subject) Therefore, I command that it be printed, published, and circulated, and that due compliance be given it."

112. The restrictions of the faculties of the President are the following: First, the President cannot take command of the forces by sea or land in person, without the previous consent of the general Congress, or should it not be in session, without the Council of Government, by a vote of two-thirds of the members present. When he takes the command with these requisites, the Vice-President shall administer the Government. Second, the President has not the right to deprive any one of his liberty nor inflict punishment on any individual but when the safety of the Federation requires it, he can arrest any person provided he places the person, arrested, within 48 hours, at the disposition of the competent judge or tribunal. Third, the President cannot occupy the property of any individual or corporation, or disturb the possession, use, or benefit of it; and should it be necessary for the public good, to take the property of any individual or corporation, it will require the approbation of the Senate, or in its recess, the approbation of the Council of Government, indemnifying the party interested, by the decision of men chosen by the party and the Government. Fourth, the President cannot impede the elections and other acts expressed in the last clause of the 38th Article. Fifth, the President or Vice President, cannot leave the Territory of the Republic without the consent of Congress, during the discharge of their duties and for one year after they retire from office.

SECTION 5th.—*Of the Council of Government.*

113. During the recess of Congress there shall be a council of Government, composed of one half of the members of the Senate, one for each State.

114. For the first two years, this Council of Government shall be composed of the first members elected by their respective Legislatures, and the succeeding year by the oldest members.

115. This Council shall have for President, the Vice President of the United States, and also have the power to elect a President pro tem. to fill the vacancy occasioned by the absence of the other.

116. The attributions of this Council are the following: First, to see that the Constitution is strictly observed, and the constitutional act, and general laws, and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive for the better compliance of the Constitution and laws of the Union. Third, to determine of themselves only, the advice of the President, the calling of extraordinary sessions of Congress; but in either, it shall require the vote of two-thirds of the counsellors present, as stated in attributions 17 and 18, of Article 110. Fourth, to grant their consent to the calling out of the local militia, in the manner stated in Article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution 6, of Article 110. Sixth, to give their consent in the case referred to in Article 112, restriction first. Seventh, to name two individuals who shall, in conjunction with the Chief Justice of the Supreme Court, provisionally exercise the Supreme executive Power, as prescribed in Article 97. Eighth, to administer the oath stated in Article 101, to those individuals of the Supreme executive Power, in the terms provided in this Constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of Article 110, and all business wherein he may consult them.

SECTION 6th.—*Of the despatch of Government business.*

117. For a despatch of government business of the Republic, there shall be the number of Secretaries of State, which Congress by a law may establish.

118. All the regulations, decrees, and orders of the President, must be signed by the Secretary of State of the department to which the subject belongs, and without this pre-requisite they shall not be obeyed.

119. The Secretaries of State shall be responsible for the acts of the President, unauthorized by their signatures, contrary to the Constitution, Constitutional Act, and general laws and constitutions of the States.

120. The Secretaries of State shall give to each House, as soon as their annual sessions are opened, an account of the state of their respective departments.

121. To be a Secretary of State it is necessary to be a Mexican citizen by birth.

122. The Secretaries of State shall form a regulation for the better distribution and direction of their duties, which shall be passed by the Government to the Congress for their approbation.

Title 5th. Section 1st.—*Of the Judicial power of the Confederation.*

123. The Judicial Power of the Federation shall reside in one Supreme Court of Justice, and in the Circuit and District Courts.

Section 2d.—*Of the Supreme Court of Justice, the election, term of service, and oath of its members.*

124. The Supreme Court of Justice shall be composed of eleven members divided into three halls, and one Attorney General. Congress may augment or diminish its number as they deem necessary.

125. To be elected a Judge of the Supreme Court of Justice, it is necessary to have been instructed in the science of public rights, according to the judgments of the Legislatures of the States, to be 35 years of age, to be a native born citizen of the Republic, or born in any part of America, which in 1810, was dependent on Spain, and has separated from her, provided they have been five years resident within the territory of the Republic.

126. The Judges of the Supreme Court of Justice shall hold their offices during good behaviour, and can only be removed in the mode prescribed by the laws.

127. The election of the Judges of the Supreme Court of Justice shall be made on the same day by the Legislatures of the States, by an absolute majority of votes.

128. The elections concluded, each Legislature shall remit to the Council of Government a certified list of the twelve persons elected, designating which one of them was elected the Attorney General.

129. The President of the Council, as soon as he shall have received the lists from at least three-fourths of the Legislatures of the States, shall give them direction indicated by the rules of the Council.

130. On the day designated, the Congress shall open and read the said lists in presence of both Houses united, after which the Senate shall retire.

131. In continuation, the House of Representatives shall appoint, by an absolute majority of votes, a committee, which shall be composed of one member from each State, from which there was any member present, to which committee the said lists shall be passed, who will revise and examine them, and render an account of the result; and the House shall then proceed to class the election and count the votes.

132. The individual or individuals who may have received more than half the votes of the whole number of the Legislatures, without regard to the number of votes given by their respective members, shall be considered elected; and the declaratium of the House to that effect shall immediately entitle them to their seats.

133. Should those who may have received the necessary majority of votes agreeably to the last article, not amount to 12, the House shall elect the balance from those who had the highest number of votes before the Legislatures, observing in every thing relative to these elections the provisions of the first section of the 4th title, which treats of the election of President and Vice President.

134. Should a Senator or Representative be elected a Judge of the Supreme Court of Justice, his election to that office shall be preferred over the other.

135. When a vacancy occurs in a Supreme Court of Justice by perpetual inability, it shall be filled agreeably to this section, after a previous notification given by the Governor to the Legislature of the state of said vacancy.

136. The members of the Supreme Court of Justice on entering upon the exercise of the office shall take an oath in the presence of the President of the Republic, in the following form: "You swear to God our Lord, faithfully to discharge the duties and obligations confided to you by the nation—if you do this God will reward you, if otherwise he will punish you."

Section 3d.—*Of the attributions of the Supreme Court of Justice.*

137. The attributions of the Supreme Court are the following: First, to take cognisance of the difference which may arise between one and another state of the Federation, whenever it embraces a subject of litigation in which there must be a formal sentence, and those that arise between one state and one or more inhabitants of another, or between individuals about pretensions to lands under concession from states, without depriving the party of the right of reclaiming the concession from the authority which granted it. Second, to terminate all disputes which arise, or

contracts or negotiations made by the Supreme Government or its agents. Third, consult relative to publishing or retaining of Pontificial Bulls, Briefs, and Rescripts issued in matters litigant. Fourth, adjust any dispute that may exist among the tribunals of the Federation, and between these and those of the states, and those which may arise between the tribunals of one state and those of another. Fifth, to take connoisance; First, of the prosecutions moved against the President and Vice President according to articles 38 and 39, after the previous declaration in article 40. Second, of the criminal prosecutions of the Representatives and Senators, indicated in article 43, after the previous declaration required in article 44. Third, of those against Governors of the states in the cases spoken of in article 38, in its third part, after the previous declaration required in article 40. Fourth, of those of Secretaries of State in conformity with articles 38 and 40. Fifth, of the civil and criminal affairs of the Diplomatic Ministers and Consuls of the Republic. Sixth, of the Admiralty cases, captures by sea, land, and contraband, of crimes committed on the high sea, of the offences against the United Mexican States, of those employed in the Treasury and Judiciary of the Federation, and [illegible] the infractions of the Constitution and general laws, as may be provided for by law.

138. A law shall regulate the mode and grade by which the Supreme Court of Justice shall take cognizance of the cases comprehended in this section.

SECTION 4th.—*Of the mode of judging the members of the Supreme Court.*

139. In order to Judge the members of the Supreme Court, the House of Representatives shall elect, voting by States, in the first month of the ordinary sessions of each biennial, twenty-four individuals not appertaining to the general Congress, and who shall possess the qualifications required for Judges of the Supreme Court, from these there shall be elected by lot an Attorney General, and an equal number of Judges equal to that which composes the first Hall of the Court, and whenever it may be necessary the same House shall proceed, and in its recess, the Council of Government, to draw in the same manner Judges of the other Halls.

SECTION 5th.—*Of the Circuit Courts.*

140. The Circuit Court shall be composed of a Judge of the law and a prosecuting Attorney, both appointed by the Supreme Executive Power, proposed by the Supreme Court, and two Associate Judges, as the law may prescribe.

141. In order to be a Circuit Judge it is necessary to be a citizen of the Federation, and thirty years of age.

142. To these Tribunals, corresponds the cognizance of admiralty cases, captures by sea and land, contraband, crimes committed on the high sea, offences against the United Mexican States, cases of consuls, and civil cases whose value exceeds $500, and in which the Federation are interested. By a law, shall be designated the number of these Tribunals, their respective jurisdictions, the mode, form, and grade, in which they must exercise their powers in these and other matters which come under the cognizance of the Supreme Court of Justice.

SECTION 6th.—*Of the District Courts.*

143. The United Mexican States shall be divided into a certain number of districts, and in each one of which, there shall be a tribunal presided by a judge of the law, which shall take cognizance without appeal, of all civil cases in which the Federation is interested, the amount of which does not exceed $500, and shall have original jurisdiction in all cases in which the Circuit Courts have appellate jurisdiction.

144. In order to be a District Judge, it is necessary to be a citizen of the United Mexican States, and twenty-five years of age. The Judges shall be appointed by the President, proposed by the Supreme Court.

SECTION 7th.—*General Rules to which all the States and Territories in the Federation shall conform in the administration of Justice.*

145. In each one of the States of the Federation, full faith and credit shall be given to the acts, registers, and proceedings of the judges and other authorities of the other States. The general Congress shall regulate the laws by which said acts, registers, and proceedings shall be authenticated.

146. The sentence of infamy shall not extend beyond the criminal that may have merited it according to law.

147. There is forever prohibited the penalty of confiscation of estates.

148. There is forever prohibited all judgments by commission and all retro-active laws.

149. No authority shall apply any species of torture, whatever may be the nature or state of the prosecution.

150. No one shall be imprisoned, unless there is a reasonable ground to suppose him criminal.

151. No one shall be imprisoned on suspicion more than seventy hours.

152. No authority shall give an order for the search of any houses, papers, and

other effects of the inhabitants of the Republic, except in the cases expressly provided for by law, and in the form which it designates.

153. No inhabitant of the Republic shall be compelled to take an oath relative to his own acts in criminal affairs.

154. The military and ecclesiastics will remain subject to the authority under which they actually are, according to the existing laws.

155. No suit can be instituted, neither in civil or criminal cases, for injuries, without being able to prove, having legally attempted, the means of conciliation.

156. None can be deprived of the right of terminating his differences by means of arbitrators appointed by each party, whatever may be the situation of the controversy.

Title 6th. Section 1st.—*Of the individual government of the States.*

157. The government of each State shall be divided for its exercise in three powers, Legislative, Executive, and Judicial, and never can be united two or more of these in one corporation or person, nor the Legislature deposited in one individual.

158. The legislative power of each State shall reside in one Legislature, composed of the number of individuals which their respective constitutions may determine, to be elected popularly and removable, in the time and manner which said constitutions may designate.

159. The person or persons in whom the States confide their executive power, cannot exercise it except for a definite time, which shall be fixed by their respective constitutions.

160. The Judicial power of each State shall be exercised by the Tribunals that the Constitution may establish or designate, and all cases, civil or criminal, which appertain to the cognizance of those tribunals, shall be terminated in them to final judgment and execution.

Section 2d.—*Of the obligations of the States.*

161. Each one of the States is obliged—First, to organize its interior government and administration, without opposing this Constitution nor the constitutional act. Second, to publish, by means of their Governors, their respective Constitutions, laws, and decrees. Third, to obey, and cause to be obeyed, the constitution and general laws of the Union, and treaties made, and those that henceforward may be made, by the supreme authority of the Federation with any foreign Power. Fourth, to protect its inhabitants in the free use and liberty which they have to write, print, and publish their political ideas, without the necessity of licence, revision, or approbation previous to publication, always taking care to observe the general laws on the subject. Fifth, to deliver immediately, the criminals of other states, to the authority which reclaims them. Sixth, to deliver the fugitives of other states, to the person that justly reclaims them, or compel them in some other mode to satisfy the interested party. Seventh, to contribute for the consolidation and extinguishment of the debts acknowledged by the general Congress. Eighth, to remit annually to each one of the Houses of Congress, a general, circumstantial, and comprehensive note, of the ingress and egress in all the Treasuries they may have in their respective districts, with a relation of the origin of one and the other, of the situation in which are found the branches of industry, agriculture, commerce, and manufactures, of the new branches of industry which they can introduce and extend, designating the means by which it can be obtained, and of their respective population and means of protecting and augmenting it. Ninth, to remit to both Houses, and in their recess, to the Council of Government, and likewise to the Supreme Executive Power, authorized copies of the Constitutions, laws, and decrees.

Section 3d.—*Restrictions of the Powers of the State.*

162. None of the States can—First, establish, without the consent of the general Congress, any tonnage duty, nor other post duty. Second, impose, without the consent of the general Congress, contributions or duties on importations or exportations, whilst the law does not regulate it as it must do. Third, hold, at no time, a permanent troop nor vessels of war, without the consent of the general Congress. Fourth, enter into any agreement or compact with any foreign power, nor declare war against them, resisting in case of actual invasion, or in such danger as will not admit of delay, giving immediate notice thereof to the President of the Republic. Fifth, enter into an agreement or compact with other States of the Federation, without the previous consent of the general Congress or its posterior approbation, if the transaction was upon the regulation of limits.

Title 7th. Only Section.—*Of the observance, interpretation, and amendment of the Constitution and Constitutional Act.*

163. Every public functionary, without exception to the class, previous to entering on the discharge of his duties, must take the oath to obey the Constitution and Constitutional Act.

164. The Congress shall dictate all laws and decrees, which they may deem neces-

sary to render effective, the responsibility of those who violate this Constitution or the Constitutional Act.

165. The general Congress alone can resolve doubts, which may occur about the meaning or understanding of the Articles of this Constitution and of the Constitutional Act.

166. The Legislatures of the States can make such observations as they may deem proper about particular Articles of this Constitution and the Constitutional Act, but the general Congress will not take them into consideration until the year 1830.

167. The Congress in that year shall confine itself to examining the observations that merit the deliberation of the next Congress, and this declaration they shall communicate to the President, who shall publish and circulate them without any observations.

168. The following Congress in the first year of its ordinary sessions, shall occupy themselves in examining these observations submitted to their deliberation, in order to make such amendments as may be deemed necessary, but the same Congress which makes the examination, provided in the last Article, cannot decree the amendments.

169. The amendments and additions that are proposed in the year following, the 30th shall be taken into consideration by the Congress, in the second year of each biennial, and if rendered necessary, in conformity with the provisions made in the preceding Article, they shall publish this resolution, in order that the next Congress may notice them.

170. In order to reform or amend this Constitution or the Constitutional Act, shall be observed, besides the rules prescribed in the foregoing Articles, all the requisites provided for the formation of laws, excepting the right to make observations granted to the President, in Article 106.

171. The Articles of this Constitution and the Constitutional Act which establishes the Liberty and Independence of the Mexican Nation, its Religion, form of Government, Liberty of the Press, and division of the Supreme Powers of the Federation, and of the States, can never be reformed.

Given in Mexico, 4th October, 1824, fourth year of Independence, third of Liberty, and second of the Federation.

Signed by the members of Congress, and the Supreme Executive Power.

THE END.